

**Rider Comparison Packet**

**Conference Committee on Senate Bill 1**

**2022-23 General Appropriations Bill**

**Article III – Public Education**

# TEXAS EDUCATION AGENCY

Differences Only - Excludes Capital

## Senate

**8. Instructional Materials and Technology.** Except as explicitly allowed elsewhere in this Act, any amount expended pursuant to Texas Education Code, §31.021, including expenditures for instructional materials administration, shall be paid out of the State Instructional Materials and Technology Fund appropriated for that purpose. A transfer of funds from the Available School Fund to the State Instructional Materials and Technology Fund is authorized in an amount which, together with other revenues of the State Instructional Materials and Technology Fund, is sufficient to finance the sum-certain appropriation from the State Instructional Materials and Technology Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the State Instructional Materials and Technology Fund.

In accordance with Texas Education Code §31.0211 and §31.0214, the Commissioner shall allocate the funds available in the State Instructional Materials and Technology Fund to school districts and charter schools for each student enrolled in the district or charter school on a date during the preceding year specified by the Commissioner and shall adjust the technology and instructional materials allotment of school districts and charter schools experiencing high enrollment growth according to rules adopted by the Commissioner.

It is the intent of the Legislature that for any state fiscal biennium, the State Board of Education issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total technology and instructional materials allotment under Section 31.0211, Education Code, for the most recent biennium for which the allotment has been determined.

It is the intent of the Legislature that the State Board of Education consider the cost of all instructional materials and technology requirements when determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), Education Code, to fund the technology and instructional materials allotment under Section 31.0211, Education Code.

From funds appropriated from the State Instructional Materials and Technology Fund, the Commissioner may set aside an amount not to exceed \$2,500,000 for the 2022-23 biennium for the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies.

From funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, \$1,045,438,721 from the Technology and Instructional Materials Fund is allocated in the 2022-23

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**8. Instructional Materials and Technology.** Except as explicitly allowed elsewhere in this Act, any amount expended pursuant to Texas Education Code, §31.021, including expenditures for instructional materials administration, shall be paid out of the State Instructional Materials and Technology Fund appropriated for that purpose. A transfer of funds from the Available School Fund to the State Instructional Materials and Technology Fund is authorized in an amount which, together with other revenues of the State Instructional Materials and Technology Fund, is sufficient to finance the sum-certain appropriation from the State Instructional Materials and Technology Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the State Instructional Materials and Technology Fund.

In accordance with Texas Education Code §31.0211 and §31.0214, the Commissioner shall allocate the funds available in the State Instructional Materials and Technology Fund to school districts and charter schools for each student enrolled in the district or charter school on a date during the preceding year specified by the Commissioner and shall adjust the technology and instructional materials allotment of school districts and charter schools experiencing high enrollment growth according to rules adopted by the Commissioner.

It is the intent of the Legislature that for any state fiscal biennium, the State Board of Education issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total technology and instructional materials allotment under Section 31.0211, Education Code, for the most recent biennium for which the allotment has been determined.

It is the intent of the Legislature that the State Board of Education consider the cost of all instructional materials and technology requirements when determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), Education Code, to fund the technology and instructional materials allotment under Section 31.0211, Education Code.

It is the intent of the legislature that the State Board of Education ensure that any instructional materials and technology purchased using funds disbursed from the State Instructional Materials and Technology Fund meet the requirements for certification under 47 U.S.C. Sections 254(h)(5)(B) and (C) to the extent the certification is applicable to those materials.

From funds appropriated from the State Instructional Materials and Technology Fund, the Commissioner may set aside an amount not to exceed \$2,500,000 for the 2022-23 biennium for

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## Senate

biennium for instructional materials and technology. In addition to these funds, \$4,541,909 is appropriated in the 2022-23 biennium in the agency's administrative strategies from the State Instructional Materials and Technology Fund. Total appropriations from the State Instructional Materials and Technology Fund in the 2022-23 biennium equal \$1,049,980,630.

From funds appropriated above in Strategy A.2.3, Students with Disabilities, an amount not to exceed \$13,500,000 in federal funds in the 2022-23 biennium is allocated for the purchase of accessibility remediation of instructional materials, captioning of video and multimedia instructional materials, Braille, large print, and related materials for students with disabilities.

The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with Technology and Instructional Materials Funds appropriated to the agency for the 2022-23 biennium.

Revenue from fees collected under the authority of Texas Education Code §31.0221 pertaining to the midcycle review and adoption of textbooks are appropriated to the Texas Education Agency for the purpose of administering the midcycle review and adoption process.

The Texas Education Agency is appropriated any balances held in the State Instructional Materials and Technology Fund on August 31, 2021, for use in fiscal year 2022 for the same purposes.

Any unexpended balances as of August 31, 2022, are appropriated for fiscal year 2023 for the same purposes.

## House

the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies.

From funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, \$1,045,438,721 from the Technology and Instructional Materials Fund is allocated in the 2022-23 biennium for instructional materials and technology. In addition to these funds, \$4,541,909 is appropriated in the 2022-23 biennium in the agency's administrative strategies from the State Instructional Materials and Technology Fund. Total appropriations from the State Instructional Materials and Technology Fund in the 2022-23 biennium equal \$1,049,980,630.

From funds appropriated above in Strategy A.2.3, Students with Disabilities, an amount not to exceed \$13,500,000 in federal funds in the 2022-23 biennium is allocated for the purchase of accessibility remediation of instructional materials, captioning of video and multimedia instructional materials, Braille, large print, and related materials for students with disabilities.

The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with Technology and Instructional Materials Funds appropriated to the agency for the 2022-23 biennium.

Revenue from fees collected under the authority of Texas Education Code §31.0221 pertaining to the midcycle review and adoption of textbooks are appropriated to the Texas Education Agency for the purpose of administering the midcycle review and adoption process.

The Texas Education Agency is appropriated any balances held in the State Instructional Materials and Technology Fund on August 31, 2021, for use in fiscal year 2022 for the same purposes.

Any unexpended balances as of August 31, 2022, are appropriated for fiscal year 2023 for the same purposes.

# TEXAS EDUCATION AGENCY

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## Senate

**27. Funding for Juvenile Justice Alternative Education Programs.** Out of the funds appropriated above in Strategy B.2.2, Health and Safety, \$5,937,500 in General Revenue funds in fiscal year 2022 and \$5,937,500 in General Revenue funds in fiscal year 2023 shall be transferred to the Texas Juvenile Justice Department for the support of Juvenile Justice Alternative Education Programs.

**34. Funding for Regional Education Service Centers.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$11,875,000 in fiscal year 2022 and \$11,875,000 in fiscal year 2023 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the Commissioner for core services based on criteria established in the Texas Education Code §8.121. The remaining amounts shall be distributed through a formula based on:

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**27. Funding for Juvenile Justice Alternative Education Programs.**

- (a) Out of the funds appropriated above in Strategy B.2.2, Health and Safety, an estimated \$5,937,500 in General Revenue funds in fiscal year 2022 and \$5,937,500 in General Revenue funds in fiscal year 2023 shall be transferred to the Texas Juvenile Justice Department for the support of Juvenile Justice Alternative Education Programs.
- (b) The actual amount transferred to the Texas Juvenile Justice Department shall be determined by a formula established in the bill pattern for the Texas Juvenile Justice Department that is based on a reimbursement rate, average daily attendance, and other pertinent factors.
- (c) Should the amount identified in subsection (a) be insufficient to make such a transfer to the Texas Juvenile Justice Department as identified in subsection (b), the Commissioner of Education may transfer from the Foundation School Program an amount up to the difference between subsection (a) and subsection (b) to Strategy B.2.2, Health and Safety. This difference would be transferred to the Texas Juvenile Justice Department for the purpose described in subsection (a).
- (d) Any transfer from the Foundation School Program to Strategy B.2.2, Health and Safety pursuant to subsection (c), shall be subject neither to the transfer restrictions included in the General Provisions of this Act nor to the limitations on transfers included in Texas Education Agency Rider 25, Limitation on Transfer and Use of Funds. At least 45 days prior to any transfer from the Foundation School Program, as described in subsection (c), the Commissioner of Education shall notify the Legislative Budget Board and the Governor of the amount and purpose of the transfer.

**34. Funding for Regional Education Service Centers.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$11,875,000 in fiscal year 2022 and \$11,875,000 in fiscal year 2023 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the Commissioner for core services based on criteria established in the Texas Education Code §8.121. The remaining amounts shall be distributed through a formula based on:

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- a. geographic considerations; and
- b. school districts serving less than 1,600 students and open-enrollment charter schools.

The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor if a change has been made from the prior year's formula for distribution.

Each Regional Education Service Center shall include in the biennial report to the Commissioner, by a date and in a format established by the Commissioner, the following data as relates to expenditures in the prior state fiscal year:

- a. the amount of savings provided to school districts as a result of services provided by a Regional Education Service Center, by total amount and on a per student in weighted average daily attendance (WADA) served basis;
- b. services provided by the Regional Education Service Centers and a cost comparison to similar services provided by alternative providers;
- c. for each service provided by the Regional Education Service Center, the number of full-time equivalent Regional Education Service Center positions, total salaries, and the method of financing associated with the service; and
- d. a description of all programs and funding amounts (contracts and grants) transferred from TEA to the Regional Education Service Centers during the prior state fiscal year. The report shall identify instances in which a transfer is added to the administrative cost of a program and any evidence suggesting that a transfer delayed the distribution of program funds to school districts.

The Commissioner shall provide a consolidated report of the data described above no later than December of each even numbered year, to the Legislative Budget Board, the Governor's Office, and to the presiding officers of the standing committees with primary jurisdiction over public education in the Texas House and the Texas Senate.

## House

- a. geographic considerations; and
- b. school districts serving less than 1,600 students and open-enrollment charter schools.

The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor if a change has been made from the prior year's formula for distribution.

Each Regional Education Service Center shall include in the biennial report to the Commissioner, by a date and in a format established by the Commissioner, the following data as relates to expenditures in the prior state fiscal year:

- a. the amount of savings provided to school districts as a result of services provided by a Regional Education Service Center, by total amount and on a per student in weighted average daily attendance (WADA) served basis;
- b. services provided by the Regional Education Service Centers and a cost comparison to similar services provided by alternative providers;
- c. for each service provided by the Regional Education Service Center, the number of full-time equivalent Regional Education Service Center positions, total salaries, and the method of financing associated with the service; and
- d. a description of all programs and funding amounts (contracts and grants) transferred from TEA to the Regional Education Service Centers during the prior state fiscal year. The report shall identify instances in which a transfer is added to the administrative cost of a program and any evidence suggesting that a transfer delayed the distribution of program funds to school districts.

The Commissioner shall provide a consolidated report of the data described above no later than December of each even numbered year, to the Legislative Budget Board, the Governor's Office, and to the presiding officers of the standing committees with primary jurisdiction over public education in the Texas House and the Texas Senate.

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No funds transferred to the Regional Education Service Centers or to school districts may be used to hire a registered lobbyist.

**49. Amachi Texas.** From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate \$1,950,000 in General Revenue in each fiscal year of the 2022-23 biennium to the Amachi Texas program for mentoring children of incarcerated parents. To the extent possible, in the administration of the Amachi Texas program, Big Brothers Big Sisters Lone Star shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand services to more eligible children. The Commissioner may require Big Brothers Big Sisters Lone Star to provide any expenditure and performance data necessary to assess the success of the program.

Any unexpended balances available as of August 31, 2022, are appropriated to fiscal year 2023 for the same purpose.

**56. Reporting on Open-Enrollment Charter Schools.** Out of funds appropriated above, the Texas Education Agency shall annually collect information from each open-enrollment charter school concerning fees collected from students by the open-enrollment charter school under the authority of Section 12.108 (b), Education Code, and information about students enrolled in an open-enrollment charter school who do not complete the school year at the school. The agency shall produce and submit to the legislature by January 1 of each year a report that details the following:

- a. the amount each open-enrollment charter school collects for each type of fee listed by Section 11.158 (a), Education Code; and
- b. the number of students enrolled in the charter school who do not complete the school year at the school by leaver code and by the six-week period the student exited.

**49. Amachi Texas.** From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate \$2,500,000 in General Revenue in each fiscal year of the 2022-23 biennium to the Amachi Texas program for mentoring children of incarcerated parents and other at-risk identified students. To the extent possible, in the administration of the Amachi Texas program, Big Brothers Big Sisters Lone Star shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand services to more eligible children. The Commissioner may require Big Brothers Big Sisters Lone Star to provide any expenditure and performance data necessary to assess the success of the program.

Any unexpended balances available as of August 31, 2022, are appropriated to fiscal year 2023 for the same purpose.

**56. Reporting on Open-Enrollment Charter Schools.** Out of funds appropriated above, the Texas Education Agency shall annually collect information from each open-enrollment charter school concerning fees collected from students by the open-enrollment charter school under the authority of Section 12.108 (b), Education Code. The agency shall also collect information about students enrolled in an open-enrollment charter school who do not complete the school year at the school and about students receiving special education services. The agency shall produce and submit to the legislature by January 1 of each year reports that detail the following:

- a. the amount each open-enrollment charter school collects for each type of fee listed by Section 11.158 (a), Education Code;
- b. the number of students enrolled in the charter school who do not complete the school year at the school and by the six-week period the student exited, including the number of students by leaver code ("leavers") for a student for whom a leaver code is available and including the number of students who move from the charter school to another public school in this state ("movers");

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- c. for each open-enrollment charter school, data from the most recent five years on:
  - (1) the number and percentage of students in special education programs;
  - (2) the amount of special education allotment entitlement funding and all funds for students with disabilities, both as a total and per students;
  - (3) the amount and percentage of special education operating expenditures (in state funds and in all funds) for students with disabilities, as a total and per student and by each type of service, including the number of FTEs by instructional arrangement;
  - (4) the number of certified special education teachers and the number of certified special education teachers as a percentage of all teachers at the school;
  - (5) grade-level retention rates of special education students by grade level;
  - (6) attrition and mobility rates of special education students by grade level;
  - (7) the number and percentage of leavers and movers who are special education students, by the six-week period the student exited;
  - (8) attrition rates of special education students by cohort starting in eighth grade and continuing through graduation;
  - (9) the number of expulsions of special education students, including the number as a percentage of all expulsions;
  - (10) the number of special education graduates, including the number of special education graduates as a percentage of all graduates;
  - (11) whether the school is under regular or alternative education accountability;
  - (12) and for each item numbered 1-10 above, a comparison between each open-enrollment school and the statewide average, including charter schools and school districts, the statewide average for school districts, the statewide average for charter schools, and each school district from which the charter school draws its largest enrollment.

**67. Funding for Special Education Strategic Plan FTEs.** For both years of the 2022-23 biennium, 54.0 FTEs included above in Strategy B.3.2, Agency Operations, are intended for the implementation of the Special Education Strategic Plan and are to be completely paid for with federal Individuals with Disabilities Act (IDEA), Part B funds appropriated above. In a manner consistent with the federally approved Special Education Strategic Plan, the Texas Education Agency shall ensure that these FTEs provide the services necessary to support the identification and evaluation of students with autism and students with dyslexia.

**67. Funding for Special Education Strategic Plan FTEs.** For both years of the 2022-23 biennium, 54.0 FTEs included above in Strategy B.3.2, Agency Operations, are intended for the implementation of the Special Education Strategic Plan and are to be completely paid for with federal Individuals with Disabilities Act (IDEA), Part B funds appropriated above. In a manner consistent with the federally approved Special Education Strategic Plan, the Texas Education Agency shall ensure that these FTEs provide the services necessary to support the identification and evaluation of students with disabilities.

**TEXAS EDUCATION AGENCY**

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**Senate**

**69. Grants for Students with Autism.** Out of General Revenue Funds appropriated above in Strategy A.2.3, Students with Disabilities, the Texas Education Agency (TEA) shall use \$10,000,000 in fiscal year 2022 and \$10,000,000 in fiscal year 2023 to provide grants for innovative services for students with autism. Such innovative services may include the use of interactive technology. These grants shall be made in accordance with Texas Education Code Section 29.026.

Any unexpended balances as of August 31, 2022 are appropriated to fiscal year 2023 for the same purpose.

**77. Local Designation Systems and Teacher Incentives.** Included in amounts appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, are all fees generated by the operation of local designation systems and teacher incentives as authorized under TEC §21.3521 and TEC §48.112 (estimated to be \$1,500,000 in fiscal year 2022 and \$2,700,000 in fiscal year 2023). Fee revenue collections appropriated under this rider are to be used exclusively for the purpose of administering the programs the programs under TEC §21.3521 and TEC §48.112. Any unexpended and unobligated balances remaining as of August 31, 2022, are hereby appropriated to fiscal year 2023 for the same purpose.

**House**

**69. Grants for Students with Disabilities who Benefit from Behavioral Supports.** Out of General Revenue Funds appropriated above in Strategy A.2.3, Students with Disabilities, the Texas Education Agency (TEA) shall use \$10,000,000 in fiscal year 2022 and \$10,000,000 in fiscal year 2023 to provide grants to local education agencies evidence-based projects for students with disabilities who benefit from positive behavioral interventions and supports to access the general education environment and curriculum. These grants shall be provided consistent with the statewide plan under Texas Education Code Section 29.001.

Any unexpended balances as of August 31, 2022 are appropriated to fiscal year 2023 for the same purpose.

**77. Local Designation Systems and Teacher Incentives.** Included in amounts appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, are all fees generated by the operation of local designation systems and teacher incentives as authorized under TEC §21.3521 and TEC §48.112 (estimated to be \$1,500,000 in fiscal year 2022 and \$2,700,000 in fiscal year 2023). Fee revenue collections appropriated under this rider are to be used exclusively for the purpose of administering the programs the programs under TEC §21.3521 and TEC §48.112. Any unexpended and unobligated balances remaining as of August 31, 2022, are hereby appropriated to fiscal year 2023 for the same purpose.

In addition, out of funds appropriated above in Strategy A.1.1, FSP-Equalized Operations, \$86,531,958 in fiscal year 2022 and \$160,059,113 in fiscal year 2023 is allocated for the local designation systems and teacher incentives under TEC §21.3521 and TEC §48.112. The estimated number of designations for fiscal year 2022 include \_\_\_\_ master, \_\_\_\_ exemplary, and \_\_\_\_ recognized teachers. The estimated number of designations for fiscal year 2023 include \_\_\_\_ master, \_\_\_\_ exemplary, and \_\_\_\_ recognized teachers.



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**79. Reporting Requirement: COVID-19 Funding to School Districts.** Out of funds appropriated above, the Texas Education Agency shall develop a report detailing the value of COVID-19 related Federal Funds provided to each school district and charter school since the beginning of the pandemic. The Texas Education Agency shall submit the report to the Governor, Legislative Budget Board, and any appropriate standing committee of the Legislature on December 1st and June 1st of each fiscal year. The format and content of the report shall be specified by the Legislative Budget Board and posted on the TEA website.

**80. Administrative Cost Savings Through Strategic Insourcing.** It is the intent of the Legislature that the Texas Education Agency shall internally provide previously contracted maintenance

**78. School Safety Allotment.** Pursuant to Education Code Sec. 42.168, the School Safety Allotment is set at \$9.72 per student in average daily attendance. During the 2022-2023 biennium, funds appropriated for this purpose shall be used in keeping with the approved uses outlined in sections 42.168(b)(3)(C)(i-ii) and 42.168(b)(4), to identify and implement research-based, effective prevention practices focused on mental and behavioral health that improve school safety as students and educators recover from the trauma associated with the COVID-19 pandemic and 2021 winter storm. Research-based practices include: hiring trained counselors, social workers, social-emotional learning coordinators and facilitators trained in restorative discipline and justice practices; and, developing and supporting programs focused on social and emotional learning, restorative justice practices, and culturally-relevant instructions, and robust mental health supports.

**79. Salary Increase Maintenance for District Employees.** Included in amounts appropriated above in Strategy A.1.1, FSP-Equalized Operations, are funds sufficient to maintain salary increases to employees at school district and open-enrollment charter schools, as specified in House Bill 3, 86th Legislature, Regular Session. It is the intent of the Legislature that, at a minimum, school districts and open-enrollment charter schools shall maintain salary increases provided to employees in the 2020-2021 school year.

**85. Reporting Requirement: COVID-19 Funding to School Districts.** Out of funds appropriated above, the Texas Education Agency shall develop a report detailing the value and uses of COVID-19 related Federal Funds provided to each school district and charter school since the beginning of the pandemic. The Texas Education Agency shall submit the report to the Governor, Legislative Budget Board, and any appropriate standing committee of the Legislature on December 1st and June 1st of each fiscal year. The format and content of the report shall be specified by the Legislative Budget Board and posted on the TEA website.

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services for certain software applications. Accordingly, included in appropriations above in Strategy B.3.5, Information Systems - Technology, are reductions of \$138,000 from the General Revenue Fund in each fiscal year of the biennium, and included in the Number of Full-Time Equivalent (FTE) listed above is an increase of 6.0 in each fiscal year of the biennium. The purpose of these changes is to reduce costs associated with contracted services for software application maintenance by bringing these functions in-house to be accomplished by Texas Education Agency employees. A portion of the reduction in General Revenue savings is expected to be offset by increased costs associated with employee benefits.

**80. Ensuring Equitable Opportunities for English Learners.** Out of funds appropriated for Strategy A.2.4. Grants for School and Program Improvement and Innovation, and Strategy B.3.1. Improving Educator Quality and Leadership, the Commissioner of Education shall support initiatives that will support districts' ability to attract and retain effective bilingual educators and address learning loss and achievement gaps among Texas English Learners.

**81. The Distribution of Federal Education Funds Related to the Coronavirus Pandemic.** Notwithstanding any other provision of this Act, and to the extent allowable under federal statute or regulation, no public education funds provided to the State of Texas by the federal government in response to the coronavirus pandemic shall be used to reduce state funding for local education agencies. It is the intent of the Legislature that the Commissioner of Education shall allocate the maximum award possible to local education agencies from public education funds provided to the State of Texas through the Coronavirus Relief Fund and the Elementary and Secondary School Emergency Relief Fund.

**82. Cross-Agency Coordination on Available Out of School Time Funding.**

(a) Out of funds appropriated above, the Texas Education Agency (TEA) shall

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coordinate with the Health and Human Services Commission, Texas Workforce Commission, and the Texas Higher Education Coordinating Board to identify available funding that may be utilized for out of school programs licensed or license-exempt under Chapter 42 of the Human Resources Code that develop academic, social, emotional, and physical skills through expanded learning opportunities during non-school hours or periods when school is not in session. Available funding may include, but is not limited to, 21st Century Community Learning Centers, Title I, Texas Rising Star, Additional Days School Year funding through the Foundation School Program, Texas Academic Innovation and Mentoring (AIM), and Temporary Assistance for Needy Families (TANF).

- (b) TEA shall document processes and findings describing cross-agency coordination activities, funding identified, and any agency policies and practices that have been amended due to the application of the data. The agency shall present its processes and findings to the Expanded Learning Opportunities (ELO) Council by March 1, 2022 for incorporation into the report required by Education Code §33.259.

**83. Reporting on Diversity of Leadership of the Agency.** Out of funds appropriated above, the Texas Education Agency shall prepare a report that analyzes the diversity reflected by the Commissioner of Education, the Deputy Commissioners of Education, the Associate Commissioners, and the Division Directors, and provides recommendations for improving diversity among agency leadership. Diversity shall be assessed based on demographic information and any information publically published should be de-identified in order to protect personal information. The information required by this rider shall be submitted to the Governor, Lieutenant Governor, and the Legislative Budget Board.

**84. Report on Open-Enrollment Charter School Real Property Holdings.** From funds appropriated above in Strategy B.3.4, Central Administration, the Texas Education Agency (TEA) shall prepare a report containing information on all real property owned or leased by open-enrollment charter schools. The report shall include information about each owned or leased property, including a description of each property, the address of each property, and the total

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assessed value of each property. The report shall also contain information about the amount and terms of each charter school's bonds, including information about debt service, whether each charter school's bonds are backed by a guarantee from the Permanent School Fund, and the aggregate amount of each charter school's outstanding bonds.

TEA shall publish the annual report no later than January 1, 2022 and January 1, 2023. By these respective dates the agency shall post the report on its website and submit the report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Legislative Budget Board, and the presiding officers of the standing committees of the Legislature with primary jurisdiction over public education.

**86. Prohibiting Certain Conditions from Being Placed on Certain Federal Funds Related to the Coronavirus Pandemic.** It is the intent of the legislature that the Commissioner of the Texas Education Agency shall not condition the receipt of federal funds for public education provided to the State of Texas through the Coronavirus Relief Fund and the Elementary and Secondary School Emergency Relief Fund on payment to any entity or purchase of any service by a local education agency.

**87. Distribution to Public Schools of Federal Education Funds Related to the Coronavirus Pandemic.**

- (a) Notwithstanding any other provision of this Act, and to the extent allowable under federal law or regulation, money appropriated under Section 13.01, Article IX, for distribution to public schools that is provided through the elementary and secondary school emergency relief fund under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Pub. L. No.A116-260), or the American Rescue Plan Act of 2021 (Pub. L. No.A117-2) shall be distributed by the Texas Education Agency to public schools in a timely manner in accordance with the terms of the applicable federal law.
- (b) Money described by Subsection (a) of this rider may not be used to reduce state funding for public schools appropriated by this Act.

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- (c) A public school that receives money described by Subsection (a) of this rider shall use that money in accordance with the terms of the applicable federal law. It is the intent of the legislature that the use of that money not be restricted by the state or a state agency other than as required by federal law.
- (d) The provisions of this section apply regardless of whether the state obtains a waiver from the United States Department of Education from a maintenance of effort requirement or other condition attached to money described by Subsection (a) of this rider.

**88. Report on Telehealth Programs in Public Schools.** It is the intent of the legislature that the Texas Education Agency, using funds appropriated by this Act, study the possibility and utility of implementing telehealth programs in public schools that do not have a full-time nurse on site at each campus. Not later than September 1, 2022, the agency shall submit to the legislature a report on the results of the study and any recommendations for legislative or other action. The report must identify the manner in which the use of telemedicine at public schools can increase access to medical care for students who attend a school that does not have a full-time nurse or only has a nurse on site for part of the day.

**89. High School Equivalency Subsidy Program.** It is the intent of the legislature that, out of the money appropriated above to the Texas Education Agency for Strategy A.1.1., Foundation School Program - Equalized Operations, the agency shall allocate \$750,000 in fiscal year 2022 and \$750,000 in fiscal year 2023 to administer the high school equivalency subsidy program described by Section 48.302(b), Education Code.

**90. Prohibition on Use of Appropriated Money for School Choice Programs.** Money appropriated by this Act may not be used to pay for or support a school voucher, education savings account, or tax credit scholarship program or a similar program through which a child may use state money for nonpublic primary or secondary education.

## SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

Differences Only - Excludes Capital

Senate

House

7. **Standby Pay.** It is expressly provided that the Texas School for the Blind and Visually Impaired, to the extent permitted by law, may pay compensation for on-call time at the following rates: credit for one hour worked for each day on-call during the normal work week, and two hours worked for each day on-call during weekends and on holidays. This credit shall be in addition to actual hours worked during normal duty hours and actual hours worked during on-call status. For employees' subject to the Fair Labor Standards Act (FLSA), an hour of on-call service shall be considered to be an hour worked during the week for purposes of the FLSA only to the extent required by federal law.

# TEACHER RETIREMENT SYSTEM

Differences Only - Excludes Capital

Senate

House

**11. Limitation on Funds Appropriated to the Teacher Retirement System (TRS).** It is the intent of the Legislature that none of the funds appropriated by this Act or from Teacher Retirement System Pension Trust Fund Account No. 960 may be used for the purpose of hiring an external communications consultant.

## **20. Supplemental Annuity Payment to Retirees of Teacher Retirement System.**

- (a) To the extent possible and out of general revenue funds appropriated to the Teacher Retirement System under this Act, the board of trustees of the retirement system may provide a one-time supplemental payment to each retiree of the retirement system who is eligible for an annuity payment in the calendar month in which the retirement system issues the payment. Except as provided by Subsection (b), the amount of the supplemental payment must equal the gross amount of the regular retirement benefit payment to which the retiree is otherwise entitled for that calendar month.
- (b) If the board of trustees of the Teacher Retirement System determines that providing a supplemental payment in the amount required by Subsection (a) is prohibited under Section 821.006, Government Code, because, as a result of providing the supplemental payment, the time required to amortize the unfunded actuarial liabilities of the retirement system would be increased to a period that exceeds 30 years by one or more years, the board of trustees shall reduce the amount of the supplemental payment to the maximum amount that would otherwise be permitted by that section.

**21. Alternative Delivery Methods for TRS-ActiveCare.** It is the intent of the legislature that the Teacher Retirement System (TRS) engage a third party vendor to examine alternative methods to deliver the current benefits supplied under TRS-ActiveCare and that TRS provide a report to the chairs of the Senate Finance, Education, and Higher Education committees, the chairs of the House Appropriations, Public Education, and Higher Education committees, and the Governor on the findings of the third party vendor no later than August 31, 2022.