



OPPOSE CSHB 2021

With more than \$17 billion on the line, the allocation of federal COVID relief dollars to school districts should be decided by the Legislature, not through a new process in which as few as six individuals could make decisions to spend or redirect billions of dollars away from Texas public school children.

April 8, 2021

Dear Members of the House Appropriations Committee:

On behalf of the four statewide teacher membership organizations, we appreciate this opportunity to provide input on Chairman Bonnen's Committee Substitute for House Bill (CSHB) 2021, relating to state budget execution authority for certain federal funds.

It is essential that the legislature, stakeholders, and members of the public are engaged in planning and ensuring the appropriate, responsible, and transparent use of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act, or ESSER II) and American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER or ESSER III) funds.

Background

CSHB 2021 proposes to create a new and separate board for the appropriations of federal emergency aid, which would result in a small, hand-selected group of legislators making the decisions to spend, redirect, or even refuse billions of dollars, instead of the Legislature as a whole.

At this very moment, legislators, led by the leadership of both the House Appropriations and Senate Finance Committee, are appropriating both state and federal dollars through the existing biennial legislative process. As educators who have been closest to our students during this tumultuous time, we are asking that ESSER II and ESSER III funds be dispersed to school districts as quickly as possible by the 87th Legislature.

CSHB 2021 is an attempt to circumvent the legislative process.

The Legislature already has committees in both chambers and the Legislative Budget Board who make decisions on federal funding and a process that allows for public input and representation from across the state when budget-writers are faced with tough decisions.

CSHB 2021 proposes to create a new and separate board for the appropriations of federal emergency aid, using budget execution provisions in Chapter 317 of the Texas Government Code. These provisions are not typically used to make significant policy decisions, but, rather, to make marginal changes or postpone – until the next legislative session - big spending needs that may occur.

CSHB 2021 would diminish representation of all Texans.

CSHB 2021 creates a board of only ten people, with only six board member votes needed to adopt a proposal. The process to appropriate federal funds is already well established at the state Capitol and includes all 181 members of the legislature.

CSHB 2021 would limit public input on the process of appropriating of billions of dollars.

The receipt of ARP ESSER funds is conditioned on submission of a plan to the U.S. Department of Education detailing how the state will use the funds to address the needs of schools across the state and to explain how it consulted with and engaged stakeholders. The [Department's guidance to state commissioners](#) and its [grant conditions](#) name the following stakeholders as being essential to the planning process and requires that the SEA application includes:

“How the SEA consulted with stakeholders and the public, including students, families, civil rights organizations including disability rights organizations, school administrators, superintendents, and educators..., and provided an opportunity for and incorporated, as appropriate, input in development of its ARP ESSER plan.”

CSHB 2021 would eliminate the many opportunities that stakeholders, such as educators and education advocates, have at the legislature through the appropriations process. In the appropriations process, stakeholders are able to weigh in at the committee level on each side of the chamber and are given adequate time to discuss the on-the-ground impact of decisions as they are being made. Our school kids need these additional resources urgently, especially at a time when our public schools are dealing with the most critical and expensive emergency of our lifetimes. Collaboration with and reliance upon the expertise and invaluable perspective of all stakeholders is essential to effective planning and evidence-based solutions.

Because it would circumvent the legislative process, diminish representation of all Texans, and limit public input on the appropriations of billions of dollars, we strongly urge legislators to oppose the Committee Substitute for HB 2021 and, instead, plan for the acceptance, use, and allocation of ESSER II and ESSER III funds through the legislative process. We appreciate your consideration and hope that the four statewide teacher membership organizations will be given the opportunity to engage with you and your colleagues as you allocate these critical funds.

Respectfully,

Texas State Teachers Association

Association of Texas Professional Educators

Texas American Federation of Teachers

Texas Classroom Teachers Association