



Public Comments on Proposed New Commissioner's Rules 19 TAC 102.1601

November 8, 2021

The Association of Texas Professional Educators (ATPE) respectfully submits the following comments on Proposed New 19 TAC 102.1601, Supplemental Special Education Services and Instructional Materials Program for Certain Public School Students Receiving Special Education Services.

Senate Bill (SB) 1716 passed by the Texas Legislature in 2021 established in statute the Supplemental Special Education Services (SSES) grant program for public school students. After applying for and receiving a grant of up to \$1,500, families can purchase supplemental services and instructional materials for their eligible children. ATPE recommends the following changes to strengthen implementation of SB 1716 through the proposed new rules.

Prioritize Students from Low-Income Backgrounds

Given that funding for the SSES may not exceed \$30 million, SB 1716 requires the commissioner under Texas Education Code (TEC) §29.044(b) to establish rules that “prioritize students for whom a school district or open-enrollment charter school is eligible for a compensatory education allotment.”

Proposed Rule 19 TAC 102.1601(c) provides that “students enrolled in a school district or open-enrollment charter school that is eligible for a compensatory education allotment under TEC, §48.104, will be prioritized to receive a grant award.” Because all but a handful of districts receive a compensatory education allotment, this prioritization has little to no effect. To focus on the eligibility of the *student* rather than the district for compensatory education funding, ATPE recommends modifying the rule as follows: “Students enrolled in a school district or open-enrollment charter school who are [~~that is~~] eligible for a compensatory education allotment under TEC, §48.104, will be prioritized to receive a grant award.”

Provide a Model Notice

Under SB 1716, TEC §29.048(b) charges students’ admission, review, and dismissal (ARD) committees with providing information to parents regarding supplemental special education services available under the SSES program and how to access their SSES account if awarded the grant. The proposed Rule 19 TAC 102. 1601(i) implements this requirement by stating that ARD committees must determine if students have been awarded an SSES grant and, if so, must then provide parents with the requisite information.

To improve the accuracy and efficiency of the program, the Texas Education Agency (TEA) as the grantor should create a process to automatically notify districts and charters when an enrolled student receives an SSES grant. Second, to ensure the information provided to parents is uniform, up-to-date, and accurate across the state, ATPE recommends that TEA create a standardized form for ARD committees to use to fulfill the requirement of providing an enrollee’s parent with the requisite information.

ATPE appreciates the agency’s consideration of our feedback. For additional information, contact ATPE Governmental Relations at government@atpe.org or (512) 467-0071.