

BILL ANALYSIS

S.B. 1659
By: Taylor, Larry
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that the commissioner of education should have the authority to accept contributions for the public school system and to adopt rules regarding grant compliance and that the establishment of a high-quality educational grant program would be beneficial to student education. S.B. 1659 seeks to grant that authority and provide for the establishment of such a program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 2 and 3 of this bill.

ANALYSIS

S.B. 1659 amends the Education Code to authorize the commissioner of education to accept a gift, grant, donation, or other contribution on behalf of the public school system or Texas Education Agency (TEA) and, unless otherwise specified by the donor, to use the contribution in the manner the commissioner determines. The bill authorizes the commissioner to adopt rules to ensure that recipients of state-funded grants administered by the commissioner or TEA are in compliance with grant requirements, to require a grant recipient to provide information to TEA detailing grant compliance, and to direct TEA to make a site visit to a grant recipient to review the recipient's compliance with grant requirements. The bill exempts such a review from statutory provisions relating to limitations on TEA compliance monitoring and TEA monitoring reviews. The bill authorizes the commissioner, if the commissioner finds that a grant recipient is not in compliance with grant requirements, to seek the remittance of the grant funds and to withhold state funding in an amount sufficient to recover the grant funds provided to the recipient. The bill establishes a decision of the commissioner regarding grant compliance, including a decision to withhold funding, as final and prohibits its appeal.

S.B. 1659 requires the commissioner to establish a competitive grant program to assist public school districts and open-enrollment charter schools in implementing high-quality educational programs. The bill authorizes the commissioner to adopt rules on the use of the grant funds, including rules determining eligibility, award amount, and any restrictions, and to authorize a grant recipient or a tax-exempt organization contracting with the grant recipient to use grant funds for the remodeling of current facilities and performance-based incentives. The bill restricts the use of grant funds by a grant recipient to the implementation of a high-quality educational program or the enhancement of a current educational program in order for the program to operate as a high-quality educational program. The bill requires the commissioner, in selecting

grant recipients, to consider the availability of existing resources, including funds and equipment, to students in the district or charter school. The bill authorizes the commissioner to make high-quality educational program grants using funds allocated for that purpose under the applicable provisions of S.B. 1658, Acts of the 85th Legislature, Regular Session, 2017, and gifts, grants, and donations accepted by the commissioner. The bill establishes a decision of the commissioner concerning the amount of funds available for a grant as final and prohibits its appeal.

S.B. 1659 establishes that the commissioner is required to implement the bill's provisions only if the legislature appropriates money specifically for that purpose. If the legislature does not do so, the commissioner may, but is not required to, implement the bill's provisions using other appropriations available for the purpose. The bill takes effect only if S.B. 1658, Acts of the 85th Legislature, Regular Session, 2017, is enacted and becomes law.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2017.