

<b>DATE:</b>	<b>December 9, 2021</b>
<b>SUBJECT:</b>	<b>Senate Bill 1716 expansion of the Supplemental Special Education Services program</b>
<b>CATEGORY:</b>	<b>Special Populations</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate internal staff for review and collaboration</b>

Senate Bill (SB) 1716, passed during the 87<sup>th</sup> Regular Texas Legislative Session, 2021, establishes a supplemental, special education services (SSES) and instructional materials program for students served by special education who meet program eligibility requirements.

The Commissioner’s rule required by the bill to implement the SSES program, 19 Texas Administrative Code (TAC) §102.1601, has been adopted and will be published in the Texas Register) to be effective December 12, 2021.

**Overview:**

Grants made under the Supplemental Special Education Services program are \$1,500 one-time online grants for parents/caregivers of eligible students served by special education that have been impacted by COVID-19 school closures. Families of eligible students can use the online accounts to obtain educational materials and resources and/or services such as additional speech therapy or other specific services.

**Expanded Eligibility:**

Senate Bill 1716 expanded SSES eligibility criteria to ALL students who are served by special education.

To be eligible for the SSES program, students must be:

- enrolled in a Texas public school;
- enrolled in PreK – 12<sup>th</sup> grade; and
- a student with a disability served through special education.

**Program Details:**

ARD Committee Responsibilities:

19 TAC §102.1601(i)(2) requires that at the next admission, review, and dismissal (ARD) committee meeting for a student receiving special education services, the ARD committee shall determine if the student has been awarded an SSES account. At this meeting, upon learning that the student has been awarded an account, the ARD committee shall provide):

1. information about types of goods and services that are available to the eligible student; and
2. instructions and resources on accessing the online accounts.

A student's ARD committee must develop each student's individualized education program (IEP), including whether any compensatory services are appropriate as a result of an inability on the part of the local educational agency (LEA) to fully implement an IEP during periods of at-home learning are appropriate, without consideration of any supplemental special education services that may be provided by the SSES program.

To assist LEAs in understanding their requirements, TEA has created the [ARD Committee Flowchart](#). Additionally, to assist LEAs in complying with number 1 from above, TEA has produced optional one-page resources in [English](#) and [Spanish](#) that ARD committees could share with families. To assist LEAs in complying with number 2 from above TEA has produced an additional one-page resource in [English](#) and [Spanish](#).

#### LEA Responsibilities:

LEAs must notify families of the SSES program if they have not already done so. 19 TAC §102.1601(i)(1) requires that school districts and open-enrollment charter schools notify parents and guardians of students served by special education of the SSES program and how to apply.

TEA has produced optional customizable letters that LEAs could distribute to comply with this requirement if they have not yet done so. The letters are available as customizable PDFs in [English](#) and [Spanish](#).

#### Supplemental Services and Compensatory Services:

Supplemental services available to families through the SSES program are not compensatory services. Compensatory services are generally defined as educational services a student with a disability served by special education is eligible to receive in order to address the impact of learning or skills lost in situations where the student's school did not provide all of the services required by the IEP.

Supplemental services through SSES are available to support and bolster services a child is already receiving in school. Consistent with state and federal requirements, the ARD committee must *determine* whether a student needs appropriate compensatory services. Under SB 1716, the LEA must *distribute* SSES information to the student's family.

Additional information regarding compensatory services is also available on the [TEA Recent Guidance section of the Special Education web page](#).

#### **Application Timeline:**

SSES grants to families of eligible students are available on a first come, first served basis. Please note that the Texas Education Agency (TEA) cannot access the funds appropriated by the Texas Legislature for this program until January 2022; therefore, many newly eligible families will not be able to receive their account or have their application processed until that time. Additionally, some applications will not be able to be processed until early 2022, when current school year state data is available to confirm eligibility.

Once all available funds have been awarded, a waitlist will be established. If more funds are made available to TEA, more accounts will be made available for families of eligible students. Families will be notified that they have been placed on a waitlist.

**Resources and Technical Assistance:**

- For further guidance and information related to the expansion of the SSES program, it is recommended that LEA staff review the [FAQs for SSES Expansion and Implementation of SB 1716](#).
- LEA resources, including those listed above, can be found here: [tea.texas.gov/SSESResources](http://tea.texas.gov/SSESResources).
- To apply for the SSES Program, visit the SSES site here: [s.es.tea.texas.gov](http://s.es.tea.texas.gov)
- Additional information regarding the [SSES program is available by visiting the SSES Frequently Asked Questions web page](#).
- Outreach materials for families can be found [here](#).
- Contact us by email at [SSEShelp@region10.org](mailto:SSEShelp@region10.org) or call SPEDTex at [1-855-773-3839](tel:1-855-773-3839).