

SUBJECT: Providing accelerated and supplemental instruction for certain students

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Buckley, Allen, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico

0 nays

1 absent — Allison

WITNESSES: For — Sharla Horton-Williams, Commit Partnership; Andrea Chevalier, Texas Council of Administrators of Special Education; Bryce Adams, Texas Public Charter Schools Association; Dee Carney, Texas School Alliance (*Registered, but did not testify*: Amanda List, AList Consulting; Tricia Cave, Association of Texas Professional Educators; Julia Grizzard, Bexar County Education Coalition; Michelle Wittenburg, Good Reason Houston; Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Paige Williams, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Suzi Kennon, Texas PTA)

Against — Daniel Dawer, Texas Legislative Education Equity Coalition (*Registered, but did not testify*: Jennifer Drabbant; Susan Stewart)

On — Mary Lynn Pruneda, Texas 2036; Andrew Hodge, Texas Education Agency; Zenobia Joseph (*Registered, but did not testify*: Steven Aleman, Disability Rights Texas; Eric Marin, Justin Porter, TEA; Carrie Moore, Texas Education 911; Von Byer, Kristin McGuire, Colby Self, Iris Tian, Texas Education Agency; Daniel Dawer, TLEEC)

BACKGROUND: Sec. 28.0211 of the Education Code requires a school district to establish an accelerated learning committee for each student who does not perform satisfactorily on the third, fifth, or eighth grade mathematics or readings assessment instruments. The school district is required to provide

accelerated instruction to a student in the applicable subject area during the subsequent summer or school year each time a student fails to perform satisfactorily on an assessment instrument in grades 3 through 8.

Additionally, the district must either:

- allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher for the subsequent school year in the applicable subject area; or
- provide the student supplemental instruction.

DIGEST:

CSHB 1416 would amend Education Code provisions regarding accelerated and supplemental instruction for struggling students by reducing the required minimum instruction hours, allowing a parental opt-out for such instruction, and repealing certain sections of statute, among other provisions.

Accelerated instruction. CSHB 1416 would amend the requirement for a district to provide applicable accelerated instruction for students who failed to perform satisfactorily on certain an end-of course assessment instruments.

The bill would require a school district to allow a student to be assigned a qualified teacher or be provided supplemental instruction each time the student failed to perform satisfactorily on a mathematics or reading assessment instrument or the English I, English II, or Algebra I end-of-course assessment instrument.

These requirements would not apply to a student who was retained in a grade for the school year in which those requirements would otherwise apply.

A school district that was required to provide accelerated or supplemental instruction to a student would not be required to provide additional instruction to the student based on the student's failure to perform satisfactorily on an optional assessment instrument in the same subject area in which the district was required to provide accelerated or

supplemental instruction.

Supplemental instruction. The bill would amend the hours of supplemental instruction required to be provided from no less than 30 hours to no less than 15 hours during the subsequent summer or school year. The bill would authorize the Texas Education Agency (TEA) commissioner to make exceptions to account for school holidays or shortened weeks to the requirement that instruction be provided no less than once per week during the school year. The bill would require supplemental instruction to be provided individually to a student or in groups of no more than five students below grade 9 or ten students in grade 9 and above.

The bill would allow a parent or guardian of a student who would be provided supplemental instruction to elect to reduce or remove a requirement for that instruction or for the student's accelerated education plan by submitting a written request to an administrator at the student's school. A school district would be prohibited from encouraging or directing a parent or guardian to make such an election.

The bill would require the TEA to approve an automated, computerized, or otherwise augmented method for providing supplemental instruction that could be used in lieu of individual or group instruction. The bill would allow TEA to approve such a method only if evidence indicated that the method was more effective than individual or group instruction.

Accelerated education plan. CSHB 1416 would require a school district to develop an accelerated education plan for each student who did not perform satisfactorily on an assessment instrument for two or more consecutive school years in the same subject area. The bill would require an accelerated education plan to identify the reason the student did not perform satisfactorily and to require the student to be provided with no less than 30 hours of supplemental instruction for each consecutive school year in which the student did not perform satisfactorily. The plan could require that:

- the student be provided individual or group supplemental instruction;
- the district expand the times in which supplemental instruction would be available to the student;
- the student be assigned to a specific teacher who was better able to provide accelerated instruction for the school year; and
- the district provide any necessary additional resources to the student.

The bill would remove the requirement for the district to administer to the student the assessment instrument for the grade level in which the student was placed at the time the district regularly administered the assessment instruments for that school year.

Other provisions. The bill would require the admission, review, and dismissal (ARD) committee of a special education student who did not perform satisfactorily on an assessment instrument to, at the student's next annual review meeting, review the student's participation and progress in accelerated or supplemental instruction or an accelerated education plan. The student's parent could request, or the district could schedule, an additional ARD committee meeting if a committee member believed that the student's individualized education program needed to be modified. The district would be required to provide a written explanation to the parent if it refused to convene a requested committee meeting.

If a student attended school in a homebound or other off-campus arrangement, the bill would allow a school district to determine that a student be provided accelerated instruction when the student attended school in an on-campus setting. If the student could not attend on-campus instruction for the school year during which the accelerated instruction was required, the district would not be required to provide the student accelerated instruction for that school year.

The bill would establish that a school district or charter school was not required to provide transportation to accelerated programs that occurred outside regular school hours if that district or school did not operate, or

contract or agree with another entity to operate, a transportation system.

The bill would repeal sections of the Education Code pertaining to accelerated learning committees, certain grade 5 through 8 assessment instruments, and accelerated instruction for high school students. The repeal of sec. 28.0217, regarding accelerated instruction for high school students, would apply beginning with the 2023-24 school year.

The bill would make conforming language changes throughout.

The changes in law made by the bill would apply beginning with assessment instruments administered during the 2023 spring semester.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

**SUPPORTERS
SAY:**

By revising requirements related to accelerated instruction, CSHB 1416 would help to reduce certain managerial responsibilities for schools while providing more flexibility to districts and supplemental instruction teachers. Many school districts have reported struggling to implement legislation passed during the 87th regular legislative session related to accelerated instruction, including challenges meeting requirements and staffing concerns. The bill would address these challenges and make much needed improvements to the current supplemental and accelerated instruction approaches to better serve struggling students by expanding access to more effective tutoring. In addition to offering more flexibility by lowering the number of required instructional hours, CSHB 1416 also would focus on the most important subject areas, reading and math. The bill also would increase parental control by authorizing parental opt-outs for accelerated learning requirements.

**CRITICS
SAY:**

CSHB 1416 may not do enough to reduce teacher workloads. Many former teachers have identified supplemental instruction requirements as reasons that they left the profession. Although the bill would reduce the required supplemental instruction hours, this amount could still be too

high. The bill may not create the necessary conditions for tutoring to be successful.