

SUBJECT: Establishing accelerated instruction for certain students, outcomes bonus

COMMITTEE: Public Education — committee substitute recommended

VOTE: 7 ayes — Dutton, Allison, K. Bell, Buckley, Huberty, K. King,  
VanDeaver

5 nays — Allen, Bernal, M. González, Meza, Talarico

1 absent — Lozano

WITNESSES: For — (*Registered, but did not testify*: Traci Berry, Goodwill Central Texas; Suzi Kennon, Texas PTA; Starlee Coleman, Texas Public Charter School Association; Thomas Parkinson)

Against — Greg Wright, Instructional Materials Coordinators' Association of Texas; David Anderson, Raise Your Hand Texas; (*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Julia Grizzard, Bexar County Education Coalition; Chandra Villanueva, Every Texan; Naomi Miller, Northside ISD; Grover Campbell, TASB; Theresa Trevino, Texans Advocating for Meaningful Student Assessment; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney and Janis Jordan, Texas School Alliance; Carrie Griffith, Texas State Teachers Association; Louann Martinez, Texas Urban Council of Superintendents; Heather Sheffield)

On — Christy Rome, Texas School Coalition; Jonathan Feinstein, The Education Trust in Texas; (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Chloe Latham Sikes, Intercultural Development Research Association; Eric Marin, Von Byer, Leonardo Lopez, and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 28.0211(a) requires satisfactory performance on required math and reading exams for a student in grade 5 or grade 8 to be

promoted to the next grade. School districts must provide accelerated instruction to a student each time the student fails to perform satisfactorily on a required exam in grades 3 through 8.

Sec. 28.0211(c) requires a grade placement committee be established to provide accelerated instruction for a student in grade 5 or 8 who failed to perform satisfactorily on an exam a second time. Sec. 28.0211(e) requires a fifth or eighth grade student who, after at least three attempts, failed to perform satisfactorily on a required exam to be retained at the same grade level for the next school year. The student's parent or guardian may appeal the student's retention to the grade placement committee, which may decide in favor of a student's promotion under certain conditions.

**DIGEST:** CSHB 4545 would remove statutory requirements that students in grades 5 and 8 pass their required reading and math exams for promotion to the next grade. The bill would establish requirements for districts to provide accelerated learning to students who had failed an exam. It would create a grant program to help schools increase their instructional rigor and would provide outcomes funding for schools that met a certain level of student improvement on the exams.

**Grade promotion.** CSHB 4545 would remove the statutory prohibition against a student being promoted to a grade 6 or grade 9 program if the student did not perform satisfactorily on the grade 5 or grade 8 math or reading statewide standardized tests. Certain requirements for repeated testing of a student who failed to perform satisfactorily on the exams would be repealed.

**Accelerated learning committee.** CSHB 4545 would require a school district to establish an accelerated learning committee for each student who did not perform satisfactorily on the state grade 3, 5 and 8 math or reading exams. Accelerated learning committees would replace the required grade placement committees in current law for certain students in grades 5 and 8.

The accelerated learning committee would have to be composed of the

principal or designee, the student's parent or guardian, and a teacher of the relevant subject. It would have to develop an educational plan for the student that provided the necessary accelerated instruction not later than the start of the subsequent school year. The plan would have to be in writing, and a copy provided to the student's parent.

A district board of trustees would have to adopt a policy consistent with the grievance procedure for parental complaints to allow a parent to contest the content or implementation of an educational plan.

The bill contains certain requirements for if a student failed to perform satisfactorily on an exam in the same subject in the subsequent school year.

*Certified teacher.* A student who was promoted to the next grade despite having failed an exam would have to be assigned an appropriately certified teacher for that subject and grade. The commissioner could waive the requirement at the request of a school district.

**Accelerated instruction.** Districts would be required to provide a student in grades 3 through 8 who failed to perform satisfactorily on an exam with accelerated instruction in the applicable subject during the subsequent summer or school year and either:

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

In providing accelerated instruction, a district could not remove a student from instruction in the curriculum for the grade level in which the student was enrolled or from recess or other physical activity that was available to other students.

Among the bill's additional requirements for accelerated instruction, a district would have to provide the instruction for no less than 30 hours

during the subsequent summer or school year to a student individually or in a group of no more than three students. The instruction would have to be provided by a person with training in the applicable instructional materials and, to the extent possible, by one person for the entirety of the student's supplemental instruction period.

If there was more than one classroom teacher available in the applicable subject area to which a student who failed to perform satisfactorily on a required exam could be assigned for the subsequent school year, the student's parent or guardian could choose the teacher who would provide the applicable instruction to the student.

*High school students.* The bill would require accelerated instruction for high school students who failed to perform satisfactorily on any of their five required end-of-course exams.

**Strong Foundations Grant.** CSHB 4545 would require the education commissioner to establish and administer a Strong Foundations Grant program for campuses serving students enrolled in prekindergarten through grade 5 to implement a rigorous school approach that combined high-quality instruction, materials, and support structures. The bill specifies requirements for the components of the grant program that districts, charter schools, and their campuses would have to implement under the grant program.

The commissioner would have to use funds appropriated, federal funds, or other available funds for the grant program. Grants could be in the form of funds, in-kind resources, or both. A school district or charter school could use the funds to financially support or train educators and other staff or to pay for agreements with other entities to provide prekindergarten services.

*Intervention.* The commissioner could require a school district or charter school to comply with all requirements of the grant program at a campus that included students at any grade level from prekindergarten through grade 5, was assigned an overall performance rating of D or F, and was in the bottom 5 percent of campuses in the state based on student

performance on the grade 3 reading assessment administered during the previous school year. If funds were appropriated the commissioner would have to award a grant to implement the requirements. A district or school that did not comply adequately would be subject to other statutory interventions, including the appointment of a conservator.

**Outcomes bonus.** CSHB 4545 would establish an annual outcomes bonus under the Foundation School Program that entitled a school district or charter school to a bonus amount for each successfully accelerated student above a threshold number of qualifying students set by the commissioner and a bonus amount for each sustained accelerated student. The bill would establish the conditions under which a student would be considered successfully accelerated or sustained accelerated as follows:

- a successfully accelerated student performed satisfactorily or better on a statewide test administered in grades 3 through 8 after not having performed satisfactorily on the test administered in the same subject at the student's preceding grade level; and
- a sustained accelerated student met the criteria for a successfully accelerated student and, additionally, at the second subsequent grade level after the student's failure to perform satisfactorily on an applicable test, performed at a college readiness level for a high school end-of-course exam or a level indicating preparedness for the next grade level or better on a state test administered in grades 3 through 8.

For each successfully accelerated student in excess of the threshold, a school would receive \$500 per student who was not educationally disadvantaged and \$1,000 per student who was educationally disadvantaged. For each sustained accelerated student a school would receive \$250 per student who was not educationally disadvantaged and \$500 per student who was educationally disadvantaged.

The commissioner could modify the threshold percentages once every five years if the commissioner determined that substantial improvement in the median performance of districts and charter schools had occurred.

**Instructional materials.** CSHB 4545 would authorize the education commissioner to use certain appropriated funds to purchase curriculum programs, instructional materials, and other instructional tools for use by school districts and charter schools. To leverage state purchasing power and ensure cost-effective use of taxpayer funds, the commissioner could contract on behalf of a district or charter school to purchase any item for instructional purposes, provided that the district or school dedicated local funds for the purpose.

The bill would apply beginning with the 2021-2022 school year.

The 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, 2021.

SUPPORTERS  
SAY:

CSHB 4545 would lower the high-stakes nature of STAAR exams by removing statutory requirements that students in grades 5 and 8 must pass their exams in order to be promoted to the next grade. The bill would help these students catch up during the next school year by providing improved accelerated learning. The bill would establish a Strong Foundations Grant program to assist schools with implementing high-quality instruction, materials, and support structures, and provide extra funding to schools that successfully improve student achievement.

**Accelerated learning.** Currently, many students who fail a reading or math STAAR in grades 5 and 8 are given ineffective accelerated learning and required to retake the exams. Many of those who subsequently fail to pass the exams are promoted to the next grade level by a grade placement committee, and often continue to struggle to pass exams the next school year. CSHB 4545 would remove the link between STAAR and grade promotion requirements to allow students to advance to the next grade and receive accelerated learning during the summer or next school year. This would let students continue with their peer group while ensuring they receive effective, intensive instruction in the relevant subject.

**Teachers.** The bill contains provisions to ensure high-quality teachers are assigned to students who failed to pass a STAAR exam during the previous school year. If more than one teacher of a grade or subject was available, a parent could choose the teacher to whom their child would be assigned. The bill would require that an appropriately certified teacher be assigned to students who failed to perform satisfactorily on a STAAR exam while providing flexibility for the education commissioner to waive the requirement.

**Grant program.** The Strong Foundations Grant program would address student learning deficits that have been exacerbated by the pandemic by providing funding to improve curriculum and instructional materials, with an emphasis on assisting D and F campuses and schools that are doing poorly with their students' performance on the grade 3 reading STAAR exam.

**Outcomes funding.** An outcomes bonus would be awarded to districts and charter schools for certain successfully accelerated students. While some are opposed to tying state funding to the outcomes of annual STAAR exams, the bill would provide incentives for schools to do the necessary work of raising student achievement. It is appropriate to reward schools who prepare their students for academic success.

**CRITICS  
SAY:**

CSHB 4545 would dramatically increase the stakes of annual state STAAR exams by driving additional funding to schools that showed improvement by students who had previously failed an exam. This type of outcomes-based funding could create funding inequities between nearby schools with similar students by giving one school additional resources that could be used to hire the best teachers from the lower performing school.

The bill would give the education commissioner broad authority to purchase instructional materials for districts and charter schools. Decisions about the best textbooks and instructional materials are best made by local educators, who know the needs of their students.

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**NOTES:** According to the Legislative Budget Board, the bill would have an estimated negative impact of about \$227.6 million to general revenue through fiscal 2023.