

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2023
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the COVID-19 pandemic continues to disrupt learning for millions of students attending school in Texas, we know that the state's economic recovery will depend in part on its educational recovery. Across our state, many teachers continue to work extremely long hours to provide meaningful instruction for students via a mix of in-person, remote, and hybrid learning environments. During these unprecedented times, we must think creatively about how to increase access to effective instruction and social-emotional support, especially for our highest-need learners. The answer is having more educators involved in targeted efforts to support students.

There are 85,000 individuals enrolled in educator-preparation programs (EPPs) and over 100,000 retired teachers who can help provide critical academic and social-emotional support to students now while gaining experience and income. These individuals can extend the capacity of the current educators and paraprofessionals. Future teachers, retired teachers, and subject matter experts such as college math majors can augment in-person, remote, and hybrid learning by providing essential support through high-dosage tutoring to students. By establishing partnerships between EPPs, K-12 schools, education service centers, community-based organizations (CBOs), and/or teacher associations, we can provide high-dosage tutoring and small-group instruction. This targeted support can help stem the inequities that the pandemic is exacerbating. Without intervention, current students, especially Black, Latino/a, rural, and low-income students, face significantly lower earning potential, further hampering our state's economic recovery.

What is high-quality tutoring? High-quality tutoring is evidence-based, high-dosage tutoring practices. Such tutoring must:

- Occur in 1:1 or in small group settings of no more than four students per teacher;
- Include multiple sessions each week;
- Match content- and grade-specific tutors and students; and
- Align to local curriculum and instructional materials.

Tutors must receive training and may be paired with experienced educators who can provide feedback and ongoing professional support.

Purpose

S.B. 2023 would establish the Texas Tutor Corps competitive grant program to mobilize subject matter experts and future and retired educators as tutors for students in high-need schools. The Texas Tutor Corps grant program would incentivize educator-preparation programs, school districts, and community partners to recruit and train teachers-in-training, paraprofessionals, subject matter experts, and licensed educators to deliver tutoring to students that is high-quality, evidence-based, and trauma-informed. S.B. 2023 would be funded by leveraging a portion of federal ESSER II and ESSER III funds and would support learning recovery by making high-quality, intensive tutoring available to Texas students, especially those in the state's highest-need schools.

S.B. 2023 would ensure a strong educational recovery for Texas, which even before the pandemic was facing a teacher shortage, as enrollment in educator-preparation programs in our state dropped to a 20-year low in 2018. Fewer teachers are entering the profession, and many are motivated to leave because of health concerns and financial insecurity. S.B. 2023 would remedy

this by creating a strong pathway into the workforce for aspiring educators, giving them high-quality clinical experiences which simultaneously benefit students disadvantaged by the pandemic.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2023 amends current law relating to providing high-quality tutoring services to public school students, including the creation of the Texas Tutor Corps program, and the use of the compensatory education allotment for certain tutoring services programs.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3 (Section 29.088, Education Code) and SECTION 4 (Section 29.090, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 7 (Section 29.094, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.0841, as follows:

Sec. 29.0841. TEXAS TUTOR CORPS PROGRAM. (a) Defines "hard-to-staff school," "high-need school," and "program."

(b) Requires the Texas Education Agency (TEA) to establish and administer a Texas Tutor Corps program (program) to develop and support a statewide network of tutors, combat learning loss, and provide grants to school districts and open-enrollment charter schools that are hard-to-staff schools or high-need schools, for the purpose of establishing local consortia, as described by Subsection (e), to collaborate on the provision of high-quality tutoring services for students enrolled at the district or school. Requires that the program:

- (1) include time for planning and collaboration among tutors;
- (2) match tutors with students based on the tutor's expertise in a particular subject area or grade level and the student's subject area tutoring needs or grade level;
- (3) include high-quality pre-service training and ongoing professional support for tutors serving under the program;
- (4) be facilitated by the local consortium established by the district or school; and
- (5) provide compensation for tutors.

(c) Authorizes the following individuals to serve as tutors under the program:

- (1) certified and retired educators;
- (2) paraprofessionals and teacher's aides;
- (3) recent graduates of educator preparation programs;
- (4) individuals enrolled in state-approved educator preparation programs; and

(5) postsecondary students enrolled in a certificate or degree program in the subject area in which the student provides tutoring under the program.

(d) Requires that tutoring services provided under the program:

(1) be led by a tutor;

(2) be provided in a one-on-one or small group setting with a ratio of not more than one tutor for every four students;

(3) occur in multiple sessions of sufficient length each week to ensure adequate time for delivery of tutoring services;

(4) be provided during the regular school day or immediately before or after school and during school vacation periods; and

(5) align with local standards and curriculum.

(e) Provides that for purposes of this section, a local consortium of community partners:

(1) includes one or more of each of the following entities, one of which serves as the lead entity of the consortium:

(A) a school district or district campus;

(B) an open-enrollment charter school or charter school campus;
and

(C) a regional education service center; and

(2) is authorized to include educator preparation programs under Section 21.0442 (Educator Preparation Program for Probationary and Standard Trade and Industrial Workforce Training Certificates), community-based organizations, agencies serving children and youth, institutions of higher education, educator organizations, organizations representing education professionals, local governments and local governmental entities, student organizations, and parent organizations.

(f) Requires a school district or open-enrollment charter school that applies for a grant under this section to include with the application a description of the methods by which the tutoring to be provided under the grant will accelerate student learning and alleviate learning loss resulting from the coronavirus disease (COVID-19) pandemic. Requires that the description indicate whether the district or school plans to implement a high-quality tutoring program.

(g) Authorizes a school district or open-enrollment charter school awarded a grant under this section to use the grant money to pay for:

(1) training tutors and placing tutors at district or school campuses;

(2) supporting tutors to work with small groups of students;

(3) matching tutors with students and mentors;

(4) providing adequate compensation to tutors and mentors;

(5) purchasing instructional materials and connectivity resources, including Internet access and devices capable of connecting to the Internet;

(6) providing transportation for students attending the tutoring program;

(7) providing meals and snacks for students attending the tutoring program; and

(8) providing facilities for conducting the tutoring program.

(h) Provides that the commissioner of education (commissioner), in awarding grants under this section:

(1) is required to consider the quality of the tutoring proposed to be provided;

(2) is authorized to leverage federal funding to pay for the costs under the program;

(3) is required to consider the amount of funds distributed to the school district or open-enrollment charter school under Chapter 48 (Foundation School Program);

(4) is required to use any funds appropriated or otherwise available for the purposes of this program;

(5) is required to prioritize applicants that:

(A) have established a local consortium that includes an educator preparation program under Section 21.0442;

(B) are hard-to-staff schools;

(C) serve a high percentage of students who qualify for compensatory education, as determined by the commissioner; and

(D) place an emphasis on in-person tutoring; and

(6) is required to require as a condition of each grant that the recipient agree to use the grant to supplement and not supplant any money allocated by the recipient for existing instruction or tutoring programs.

(h-1) Authorizes the commissioner, in awarding grants under this section for the 2021-2022 school year, to the extent authorized by state and federal law, to leverage federal funding received through the elementary and secondary school emergency relief fund that is designated for use by TEA under the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260), and the American Rescue Plan of 2021 (Pub. L. No. 117-2). Provides that this subsection expires September 1, 2022.

(i) Authorizes the commissioner to accept gifts, grants, or donations from any public or private source for purposes of this section.

(j) Provides that the commissioner, notwithstanding Subsection (b), is required to establish the program under this section only if the legislature appropriates money specifically for that purpose. Provides that the commissioner, if the legislature does not appropriate money specifically for that purpose, is authorized, but is not required, to establish the program under this section using other appropriations available for that purpose.

(k) Provides that a tutor providing services under the program is immune from civil liability to the same extent as a professional employee of a school district under Section 22.0511.

(l) Provides that this section expires September 1, 2023.

SECTION 2. Amends Section 25.085(d), Education Code, as follows:

(d) Requires a student enrolled in a school district, unless specifically exempted by Section 25.086 (Exemptions), to attend a certain program, including an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.0841, rather than under Section 29.084 (Tutorial Services).

SECTION 3. Amends Section 29.088, Education Code, by amending Subsections (b) and (c) and adding Subsection (b-1), as follows:

(b) Requires the board of trustees of a school district, before providing a program under Section 29.088 (After-School and Summer Intensive Mathematics Instruction Programs), to adopt policies for certain purposes, including a policy for ensuring that all instruction, intervention, and support is provided by an appropriately qualified educator or person enrolled in an educator preparation program. Makes nonsubstantive changes.

(b-1) Requires the board of trustees of a school district, for a school year before the 2023-2024 school year, to include in the policy adopted under Subsection (b) an outline of how the program will combat learning loss caused by the coronavirus disease (COVID-19) pandemic. Provides that this subsection expires September 1, 2023.

(c) Requires the commissioner by rule to take certain actions, including requiring each district providing a program under Section 29.088 to submit a description of the methods by which the program will accelerate student learning, including whether the district plans to implement a high-quality tutoring program. Makes nonsubstantive changes.

SECTION 4. Amends Sections 29.090(b) and (c), Education Code, as follows:

(b) Requires the board of trustees of a school district, before providing a program under Section 29.090 (After-School and Summer Intensive Science Instruction Programs), to adopt a policy for certain purposes, including for ensuring that all instruction, intervention, and support is provided by an appropriately qualified educator or person enrolled in an educator preparation program. Makes nonsubstantive changes.

(c) Requires the commissioner by rule to take certain actions, including requiring each district providing a program under Section 29.090 to submit a description of the methods by which the program will accelerate student learning, including whether the district plans to implement a high-quality tutoring program. Makes nonsubstantive changes.

SECTION 5. Amends Section 29.091, Education Code, by adding Subsection (c-1), as follows:

(c-1) Requires a school district, in addition to the requirements provided by Subsection (c), to be eligible to participate in the program for a school year before the 2023-2024 school year, to participate in a local consortium described under Section 29.0841 that supports the Texas Tutor Corps program under that section. Provides that this subsection expires September 1, 2023.

SECTION 6. Amends Section 48.104, Education Code, by adding Subsection (j-2), as follows:

(j-2) Authorizes funds, in addition to other purposes for which funds allocated under Section 48.104 (Compensatory Education Allotment) are authorized to be used, to also be used to pay costs associated with tutoring services provided under the Texas Tutor Corps program under Section 29.0841. Provides that this subsection expires September 1, 2023.

SECTION 7. Repealers: Sections 29.084 (Tutorial Services) and 29.094 (Intensive Reading or Language Intervention Pilot Program), Education Code.

SECTION 8. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 9. Provides that TEA is required to implement this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required, to implement this Act using other money available for that purpose.

SECTION 10. Effective date: upon passage or September 1, 2021.