

BILL ANALYSIS

C.S.H.B. 233
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The passage of H.B. 4545 in the 87th Regular Session established accelerated learning practices to help districts mitigate student learning loss associated with the changes to educational practices due to COVID-19. Immediately following the regular session, the response from superintendents to the bill's passage has identified several concerns and needed clarifications regarding the bill's implementation, primarily focused on staffing burdens and the duration of the requirements for accelerated learning practices. C.S.H.B. 233 limits the subject areas that are subject to the requirement for accelerated instruction to mathematics and reading, changes the condition that triggers that requirement from the student's failure in the subsequent school year to the student's failure on two consecutive attempts, changes the number of students allowed in group instruction if a school district receives certain federal funds, provides for the adoption of a waiver by a district's board of trustees for the 2021-2022 school year from the maximum number of students allowed in group instruction without authorization from each parent or guardian of a student in a group, and provides for a waiver issued by the commissioner of education from the accelerated learning requirements under certain conditions.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 233 amends the Education Code to limit to mathematics or reading the subject areas in which a public school district must provide accelerated instruction during the subsequent summer or school year to a student who failed to perform satisfactorily on an applicable statewide standardized test. The bill increases from three to four the maximum number of students to whom a district may provide supplemental instruction in a group if the district receives funding under the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, or the federal American Rescue Plan Act of 2021. With respect to the requirement for the superintendent of a district or the superintendent's designee to meet with the accelerated learning committee for a student who fails to perform satisfactorily on statewide standardized tests in the subject areas, as limited by the bill, for the fifth grade or eight grade, the bill changes the condition that triggers that requirement from the student's failure in the subsequent school year to the student's failure on two consecutive attempts.

C.S.H.B. 233 authorizes the board of trustees of a district, for the 2021-2022 school year, to adopt a resolution authorizing supplemental instruction to be provided in a group of no more

than 10 students without authorization from the parent or guardian of each student in the group. This authorization expires September 1, 2022.

C.S.H.B. 233 authorizes the commissioner of education to provide a waiver of requirements regarding accelerated learning committees and accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year preceding the previous school year performed satisfactorily in the subsequent school year on the test in each subject in which the student previously failed to perform satisfactorily. The bill requires the commissioner, not later than the beginning of each school year, to publish a list of districts that qualify for such a waiver.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 233 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original increased from three to 10 the maximum number of students to whom a public school district may provide supplemental instruction in a group if the district receives certain funding, the substitute does the following instead:

- increases from three to four the maximum number of students in a group; and
- includes an authorization for a district board of trustees, for the 2021-2022 school year, to adopt a resolution authorizing supplemental instruction to be provided in a group of no more than 10 students without authorization from the parent or guardian of each student in the group.

Whereas the original provides for a one-year waiver by the commissioner of education of requirements regarding accelerated learning committees and accelerated instruction for districts meeting certain criteria regarding satisfactory performance by students on applicable tests, the substitute changes the duration of that waiver to each school year for districts meeting those criteria.

The substitute does not include a provision that was included in the original making the bill's provisions applicable beginning with the 2022-2023 school year.