87S21503 MEW-D

By:  Huberty H.B. No. 233

Substitute the following for H.B. No. 233:

By:  Dutton C.S.H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to providing accelerated instruction for public school students who fail to achieve satisfactory performance on certain assessment instruments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 28.0211, Education Code, as amended by H.B. No. 4545, Acts of the 87th Legislature, Regular Session, 2021, is amended by amending Subsections (a-1), (a-4), and (f-4) and adding Subsections (a-7) and (q) to read as follows:

(a-1)  Each time a student fails to perform satisfactorily on a mathematics or reading [~~an~~] assessment instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

(1)  allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under Section 21.3521 for the subsequent school year in the applicable subject area; or

(2)  provide the student supplemental instruction under Subsection (a-4).

(a-4)  If a district receives funding under Section 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a school district under Subsection (a-1)(2) must:

(1)  include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;

(2)  be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;

(3)  be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;

(4)  be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;

(5)  include effective instructional materials designed for supplemental instruction;

(6)  be provided to a student individually or in a group of no more than four [~~three~~] students, unless the parent or guardian of each student in the group authorizes a larger group;

(7)  be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district; and

(8)  to the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

(a-7)  Notwithstanding Subsection (a-4)(6), for the 2021-2022 school year, the board of trustees of a school district may adopt a resolution authorizing supplemental instruction under Subsection (a-1)(2) 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 subsection expires September 1, 2022.

(f-4)  If a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) fails on two consecutive attempts [~~in the subsequent school year~~] to perform satisfactorily on an assessment instrument in the same subject, the superintendent of the district, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

(1)  identify the reason the student did not perform satisfactorily; and

(2)  determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether:

(A)  the educational plan developed for the student under Subsection (f) must be modified to provide the necessary accelerated instruction for that student; and

(B)  any additional resources are required for that student.

(q)  The commissioner may provide a waiver of the requirements under this section regarding accelerated learning committees and accelerated instruction for a school 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 assessment instrument in each subject in which the student previously failed to perform satisfactorily. Not later than the beginning of each school year, the commissioner shall publish a list of school districts that qualify for a waiver under this subsection.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.