

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

1

AN ACT

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

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

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

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

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

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

23 (a-4) If a district receives funding under Section 29.0881,
24 the Coronavirus Response and Relief Supplemental Appropriations

1 Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan
2 Act of 2021 (Pub. L. No. 117-2), then supplemental instruction
3 provided by a school district under Subsection (a-1)(2) must:

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

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

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

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

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

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

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

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

27 (a-7) Notwithstanding Subsection (a-4)(6), for the

1 2021-2022 school year, the board of trustees of a school district
2 may adopt a resolution authorizing supplemental instruction under
3 Subsection (a-1)(2) to be provided in a group of no more than 10
4 students without authorization from the parent or guardian of each
5 student in the group. This subsection expires September 1, 2022.

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

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

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

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

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

22 (g) The commissioner may provide a waiver of the
23 requirements under this section regarding accelerated learning
24 committees and accelerated instruction for a school district for
25 each school year in which at least 60 percent of the students who
26 received accelerated instruction during the school year preceding
27 the previous school year performed satisfactorily in the subsequent

1 school year on the assessment instrument in each subject in which
2 the student previously failed to perform satisfactorily. Not later
3 than the beginning of each school year, the commissioner shall
4 publish a list of school districts that qualify for a waiver under
5 this subsection.

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