

BILL ANALYSIS

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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's 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.

As proposed, 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, the establishment of a COVID-19 learning loss and student acceleration pilot program, and the use of the compensatory education allotment for 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 is expressly granted to the commissioner of education in SECTION 6 (Section 29.0941, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 9 (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 and to 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;
- (5) provide compensation for tutors; and
- (6) prioritize the recruitment and selection of individuals enrolled in state-approved educator preparation programs to serve as tutors.

(c) Authorizes certified and retired educators, paraprofessionals and teacher's aides, recent graduates of educator preparation programs, and postsecondary students enrolled in educator preparation programs to serve as tutors 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 the following entities, one of which serves as the lead entity of the consortium:

(A) an educator preparation program under Section 21.0442 (Educator Preparation Program for Probationary and Standard Trade and Industrial Workforce Training Certificates); and

(B) one or more:

(i) school districts or district campuses;

(ii) open-enrollment charter schools or charter school campuses; and

(iii) regional education service centers; and

(2) is authorized to include 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) 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 stipends 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.

(g) 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 not more than 50 percent of the costs under the program, including, to the extent authorized by federal law, funds from the Temporary Assistance for Needy Families 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); and

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

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

(i) 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.

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 Sections 29.088(b) and (c), Education Code, 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, including a person participating in the program under Section 29.0841. Makes nonsubstantive changes.

(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, including a person participating in the Texas Tutor Corps program under Section 29.0841. 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(c), Education Code, as follows:

(c) Requires that a school district, to be eligible to participate in the program, meet certain criteria, including participating in a local consortium described under Section 29.0841 that supports the Texas Tutor Corps program under that section. Makes nonsubstantive changes.

SECTION 6. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.0941, as follows:

Sec. 29.0941. COVID-19 LEARNING LOSS AND STUDENT ACCELERATION PILOT PROGRAM. (a) Defines "pilot program."

(b) Requires the commissioner by rule to establish a pilot program under which, for the 2021-2022 and 2022-2023 school years, participating school district or open-enrollment charter school campuses are authorized to provide tutoring intervention to students using a high-quality tutoring program that meets the criteria described by 29.0841(d) to address learning loss due to the disruption in public education caused by the coronavirus disease (COVID-19) pandemic.

(c) Authorizes a campus to apply to the commissioner to participate in the pilot program. Requires that a campus that submits an application include with the application materials a summary of the campus's proposed high-quality tutoring program to the commissioner for approval. Requires the commissioner to prioritize campuses that are part of an established local consortium described under Section 29.0841 and providing tutoring services under the Texas Tutor Corps program, including using tutors who are enrolled in state-approved educator preparation programs.

(d) Requires the commissioner to adopt minimum criteria that a program is required to meet to be selected for use by a participating campus. Requires that the criteria include principles and practices consistent with best practices related to a scientific understanding of how students learn. Authorizes the commissioner to only approve a program for use by a campus under the pilot program that meets the minimum criteria established under this section.

(e) Requires TEA, not later than December 31, 2022, in consultation with each vendor of a high-quality tutoring program approved under Subsection (d) and each school district with which the vendor contracts under this section, to provide the legislature with a report describing student progress under the pilot program.

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

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

(h) Requires the commissioner to adopt rules necessary to implement this section.

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

SECTION 7. (a) Provides that this section takes effect only if the Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Amends Section 48.104(j-1), Education Code, as follows:

(j-1) Authorizes funds allocated under this section, in addition to other purposes for which those funds 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. Makes nonsubstantive changes.

SECTION 8. (a) Provides that this section takes effect only if the Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Amends Section 48.104(j-1), Education Code, as follows:

(j-1) Authorizes funds allocated under this section, in addition to other purposes for which those funds 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. Makes nonsubstantive changes.

SECTION 9. Repealer: Sections 29.084 (Tutorial Services) and 29.094 (Intensive Reading or Language Intervention Pilot Program), Education Code.

SECTION 10. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 11. Effective date: upon passage or September 1, 2021.