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| BILL ANALYSIS |

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| C.S.H.B. 1416 |
| By: Bell, Keith |
| Public Education |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** For over 20 years, state law has required school districts to provide accelerated instruction to students who score below the acceptable grade level on end-of-course tests (currently STAAR) in an effort to help students pass the test the following year and get them caught up. In 2021, the legislature passed a law that clarified the definition of "accelerated instruction," and prescribed specific tutoring requirements as supplemental accelerated instruction. School districts have reported challenges in implementing these requirements, including meeting and staffing requirements. C.S.H.B. 1416 seeks to address these challenges by revising provisions relating to accelerated instruction in order to increase parental control, allow districts to focus resources on the most critical subjects and focus on students most behind, increase flexibility, and apply tutoring requirements to districts that receive compensatory education funding.  |
| **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 rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill. |
| **ANALYSIS** C.S.H.B. 1416 amends the Education Code to revise provisions relating to accelerated learning committees, supplemental instruction, and accelerated education plans and to set out provisions relating to accelerated instruction and accelerated education plans for students participating in a district's special education program. **Accelerated Learning Committee**C.S.H.B. 1416 repeals Education Code provisions that require a public school district to establish an accelerated learning committee for a student who does not perform satisfactorily on the third grade, fifth grade, or eighth grade mathematics or reading statewide standardized test and that set out provisions relating to such a committee. The repeal of these provisions applies beginning with tests administered during the 2023 spring semester.**Supplemental Instruction Requirements**C.S.H.B. 1416 excepts a district from the requirement to provide accelerated instruction during the subsequent summer or school year to a student who fails to perform satisfactorily on a test developed or adopted based on alternative academic achievement standards. The bill restricts the circumstances under which a district is required to either allow a student to be assigned a classroom teacher with a specified certification or provide the student supplemental instruction each time the student does not perform satisfactorily on the third grade, fifth grade, or eighth grade mathematics or reading statewide standardized test or the English I, English II, or Algebra I end-of-course test. The bill revises requirements relating to supplemental instruction as follows: * includes a district that receives compensatory education allotment funding among districts required to meet the supplemental instruction requirements;
* decreases from 30 to 15 the minimum number of hours of instruction to be provided to each student;
* creates an exception by commissioner of education rule to the required frequency of the instruction to account for school holidays or shortened school weeks;
* increases the maximum number of students in group instruction from three to five for a student in a grade level below ninth grade and from 3 to 10 for a student in ninth grade or above; and
* establishes that the requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

The bill provides for the reduction or removal of a requirement for a student to receive supplemental instruction or for a student's accelerated education plan if a parent or guardian of the student elects to do so by submitting a written request to an administrator at the campus at which the student is enrolled but prohibits a district from encouraging or directing a parent or guardian to make such an election.  C.S.H.B. 1416 requires the Texas Education Agency (TEA) to approve an augmented method for providing supplemental instruction that may be used in lieu of some or all of the instruction as appropriate but authorizes TEA to approve such a method only if evidence indicates that the method is more effective than the required individual or group instruction. The bill requires the commissioner of education to adopt rules regarding when such a method may be used and the instruction requirements for which the method may be substituted. The bill establishes that a district is not required to provide additional accelerated or supplemental instruction to a student based on the student's performance on an optional test in the applicable subject area. **Accelerated Education Plan**C.S.H.B. 1416 requires a district, for each student who does not perform satisfactorily on the mathematics or reading statewide standardized test or the English I, English II, or Algebra I end‑of‑course test for two or more consecutive school years in the same subject area, to develop an accelerated education plan that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The bill requires such a plan to do the following:* identify the reason the student did not perform satisfactorily on the applicable test; and
* require the student to be provided with no less than 30 hours of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the applicable test.

C.S.H.B. 1416 authorizes an accelerated education plan to require the following, as appropriate to ensure the student performs satisfactorily at the next administration of the applicable test:* that the student be provided supplemental instruction individually or in a group of fewer than the maximum number of students permitted in group instruction based on the student's grade level;
* that the district expand the times in which supplemental instruction is available to the student;
* that the student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and
* that the district provide any necessary additional resources to the student.

The bill provides for the documentation of such a plan, the monitoring of student progress, and a grievance procedure under which a parent may contest the content or implementation of a plan. The bill removes the requirement for the district to administer to a student under the plan the test for the grade level in which the student is placed at the time the district regularly administers tests for that school year. The bill requires a student for whom an accelerated education plan is required to be developed to be assigned to an appropriately certified teacher who meets all state and federal qualifications to teach the applicable subject and grade.**Student Participating in District Special Education Program**C.S.H.B. 1416 requires the admission, review, and dismissal (ARD) committee of a student who participates in a district's special education program and who does not perform satisfactorily on a statewide standardized test or end-of-course test, other than a test developed or adopted based on alternative academic achievement standards, at the student's next annual review meeting, to review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan. The student's parent may request, or the district may schedule, an additional ARD committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the requirements, as applicable, under the student's accelerated instruction, supplemental instruction, or an accelerated education plan. If the district refuses to convene an additional ARD meeting requested by the student's parent, the district must provide the parent with written notice explaining the reason for the refusal C.S.H.B. 1416 authorizes the district to determine that the student may be provided accelerated instruction when the student attends school in an on-campus instructional setting if the student attends school in an off-campus instructional arrangement, including at a residential treatment campus or state hospital, and is unable to participate in the required accelerated instruction program due to the student's condition. If a student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. C.S.H.B. 1416 exempts a district or open-enrollment charter school from the requirement to provide transportation for students attending accelerated programs if the district or school does not operate, or contract or agree with another entity to operate, a transportation system. The bill's changes relating to accelerated education plans, supplemental instruction, and accelerated instruction apply beginning with tests administered during the 2023 spring semester.**Repealed Provisions**C.S.H.B. 1416 repeals the following Education Code provisions:* Sections 28.0211(c), (f-4), (f-5), (o), and (p); and
* Section 28.0217.

The bill's repeal of provisions relating to accelerated instruction for high school students applies beginning with the 2023-2024 school year.  |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2023. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 1416 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.The substitute does not include a requirement that supplemental instruction be provided for an average of no less than 30 hours per student during the subsequent summer or school year, which was present in the introduced. Whereas the introduced increased the maximum number of students in group instruction for purposes of supplemental instruction from three to four for students in every applicable grade level, the substitute increases the maximum number from three to five for students in a grade level below ninth grade and from 3 to 10 for students in ninth grade or above. The introduced set the maximum number of students in group instruction for purposes of supplemental instruction under an accelerated education plan at fewer than four for students in every applicable grade level, the substitute sets the maximum number at fewer than five for students in a grade level below ninth grade and fewer than 10 for students in ninth grade or above. The introduced authorized a parent or guardian to submit a written request to reduce or remove a requirement for a student's supplemental instruction to the district. The substitute includes this provision but revises it as follows:* by expanding the authorization to include a parent or guardian of a student in an accelerated education plan; and
* by changing the recipient from the district to an administrator of the campus at which the student is enrolled.

The substitute revises the introduced version's requirement for a district to develop an accelerated education plan for a student who does not perform satisfactorily on an applicable test for two or more consecutive school years by clarifying that the requirement applies with respect to a student who does not perform satisfactorily on a test in the same subject area during that period.With respect to the determination, addressed in both the introduced and the substitute, that a student who attends school in a homebound or other off-campus instructional arrangement and is unable to participate in an accelerated instruction program due to the student's condition may be provided the accelerated instruction when the student attends school in an on-campus instructional setting:* the substitute includes, but the introduced did not, a student who attends school at a residential treatment campus or state hospital among the students for whom such a determination may be made; and
* the substitute changes the authority that makes the determination from a student's ARD committee, as in the introduced, to the district.

The substitute removes the statutory requirement for a district to administer the applicable test under the accelerated education plan to a student at the time the district regularly administers tests for that school year, whereas the introduced did not remove that requirement from the statute.With respect to a student who participates in a special education program and does not perform satisfactorily on an applicable test, the substitute does not include the following requirements that were contained the introduced:* a requirement for an ARD committee, if the ARD committee determines participation in supplemental instruction is not appropriate for the student, to review and adjust the student's individualized education plan to target the areas in which the student did not perform satisfactorily on the test; and
* a requirement, and provisions related to that requirement, for an ARD committee, if an accelerated education program is required for the student, to develop the plan and to determine the manner in which the student will participate in an accelerated instruction program.

The substitute includes instead the following provisions with respect to a student who participates in a special education program and who does not perform satisfactorily on an applicable test:* a requirement for an ARD committee to review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan;
* an authorization for the parent to request, or for the district to schedule, an additional ARD committee meeting; and
* a requirement for the district to provide written notice to the parent if the district refuses to convene that meeting.

The substitute includes an exception from the statutory requirement for a district to provide student accelerated instruction to a student who fails to perform satisfactorily on a test developed or adopted based on alternative academic achievement standards, which did not appear in the introduced. |