

By: Allen

H.B. No. 2570

A BILL TO BE ENTITLED

AN ACT

relating to the provision of accelerated and supplemental instruction to 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, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (a-4), (a-5), (c), (f), (f-3), and (n) and adding Subsections (b) and (q) to read as follows:

(a) Using funds appropriated for the purposes of accelerated instruction, each time a student fails to ~~[A school district shall establish an accelerated learning committee described by Subsection (c) for each student who does not]~~ perform satisfactorily on an assessment instrument administered ~~[+~~

~~[(1) the third grade mathematics or reading assessment instrument]~~ under Section 39.023(a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area ~~[39.023,~~

~~[(2) the fifth grade mathematics or reading assessment instrument under Section 39.023, or~~

~~[(3) the eighth grade mathematics or reading assessment instrument under Section 39.023].~~

(a-1) In addition to accelerated instruction provided under Subsection (a) and subject to Subsection (b), each ~~[Each]~~ time a

1 student fails to perform satisfactorily on an assessment instrument
2 administered under Section 39.023(a) in mathematics or reading in
3 grades three through eight [~~the third, fourth, fifth, sixth,~~
4 ~~seventh, or eighth grade~~], the school district in which the student
5 attends school shall [~~provide to the student accelerated~~
6 ~~instruction in the applicable subject area during the subsequent~~
7 ~~summer or school year and either~~]:

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

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

14 (a-2) Accelerated instruction provided under Subsection (a)
15 [~~during the following school year under Subsection (a-1)~~] may
16 require participation of the student before or after normal school
17 hours and may include participation at times of the year outside
18 normal school operations, including the summer following the school
19 year in which the student failed to perform satisfactorily on an
20 assessment instrument.

21 (a-3) In providing accelerated instruction to a student in
22 grades three through eight [~~under Subsection (a-1)~~], a district may
23 not remove the [~~a~~] student, except under circumstances for which a
24 student enrolled in the same grade level who is not receiving
25 accelerated instruction would be removed, from:

26 (1) instruction in the foundation curriculum and
27 enrichment curriculum adopted under Section 28.002 for the grade

1 level in which the student is enrolled; or

2 (2) recess or other physical activity that is
3 available to other students enrolled in the same grade level.

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

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

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

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

20 ~~[(4)]~~ be designed to assist the student in achieving
21 satisfactory performance in the applicable grade level and subject
22 area;

23 (4) ~~[(5)]~~ include effective instructional materials
24 designed for supplemental instruction;

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

1 (5) ~~[(7)]~~ be provided by a person with training in the
2 applicable instructional materials for the supplemental
3 instruction and under the oversight of the school district; and

4 (6) ~~[(8)]~~ to the extent possible, be provided by one
5 person for the entirety of the student's supplemental instruction
6 period.

7 (a-5) Each school district shall establish a process
8 allowing for the parent or guardian of a student who fails to
9 perform satisfactorily on the third, fifth, or eighth grade
10 mathematics or reading ~~[an]~~ assessment instrument administered
11 ~~[specified]~~ under Section 39.023(a) ~~[Subsection (a)]~~ to make a
12 request for district consideration that the student be assigned to
13 a particular classroom teacher in the applicable subject area for
14 the subsequent school year, if more than one classroom teacher is
15 available.

16 (b) During each state fiscal biennium, a school district is
17 only required to implement Subsection (a-1) if the legislature
18 appropriates sufficient money for the district to provide an
19 educator to tutor each student reasonably expected to require
20 supplemental instruction under Subsection (a-1). A school district
21 may use money appropriated for the purposes of supplemental
22 instruction to implement Subsection (a-1) in any manner that meets
23 the requirements of that subsection.

24 (c) After a student fails to perform satisfactorily on the
25 third, fifth, or eighth grade mathematics or reading assessment
26 instrument administered under Section 39.023(a) and fails in the
27 subsequent school year to perform satisfactorily in the same

1 subject, the school district shall establish ~~[on an assessment~~
 2 ~~instrument specified under Subsection (a),]~~ an accelerated
 3 learning committee ~~[shall be established]~~. The accelerated
 4 learning committee shall be composed of the principal or the
 5 principal's designee, the student's parent or guardian, and the
 6 teacher of the subject of an assessment instrument on which the
 7 student failed to perform satisfactorily. The district shall
 8 notify the parent or guardian of the time and place for convening
 9 the accelerated learning committee and the purpose of the
 10 committee.

11 (f) If an [An] accelerated learning committee is required
 12 ~~[described]~~ by Subsection (c), the committee shall, not later than
 13 the start of the [subsequent] school year[7] following the second
 14 year in which the student does not perform satisfactorily on an
 15 assessment instrument described by Subsection (c):

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

18 (2) develop an educational plan for the student that
 19 provides the necessary accelerated instruction to enable the
 20 student to perform at the appropriate grade level by the conclusion
 21 of the school year; and

22 (3) determine if additional resources are required for
 23 that student to ensure that the student performs satisfactorily on
 24 the next administration of the assessment instrument.

25 (f-3) The board of trustees of each school district shall
 26 adopt a policy ~~[consistent with the grievance procedure adopted~~
 27 ~~under Section 26.011]~~ to allow the [a] parent of a student to

1 determine that [~~contest the content or implementation of~~] an
2 educational plan developed under Subsection (f) may not be
3 implemented for the student.

4 (n) Except as provided by Subsection (n-1), a student who
5 fails to perform satisfactorily on an assessment instrument
6 specified under Subsection (a-5) [~~(a)~~] and is promoted to the next
7 grade level must be assigned in the subsequent school year in each
8 subject in which the student failed to perform satisfactorily on an
9 assessment instrument specified under Subsection (a-5) [~~(a)~~] to an
10 appropriately certified teacher who meets all state and federal
11 qualifications to teach that subject and grade.

12 (q) A school district's determination of the
13 appropriateness of accelerated or supplemental instruction for a
14 student under this section is final and does not create a cause of
15 action.

16 SECTION 2. Section 28.0217(a), Education Code, is amended
17 to read as follows:

18 (a) Using money appropriated for the purposes of
19 accelerated instruction, each [~~Each~~] time a student fails to
20 perform satisfactorily on an assessment instrument administered
21 under Section 39.023(c), the school district in which the student
22 attends school shall provide to the student accelerated instruction
23 in the applicable subject area.

24 SECTION 3. Sections 28.0211(f-4), (f-5), (o), and (p),
25 Education Code, are repealed.

26 SECTION 4. As soon as practicable after the effective date
27 of this Act, the board of trustees of a school district shall adopt

1 a policy as required by Section 28.0211(f-3), Education Code, as
2 amended by this Act.

3 SECTION 5. This Act applies beginning with the 2023-2024
4 school year.

5 SECTION 6. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.