

August 12, 2021

Honorable Representative Huberty
Room GS.2
P.O. Box 2910
Austin, TX 78768

Re: Requested Amendments to HB 4545

Representative Huberty,

The undersigned school districts have philosophical and practical concerns with the implementation of HB 4545 as it was passed in the regular 87th legislative session, and we come to you with potential solutions to address these concerns. As a group of eleven high-performing school districts across North Texas, we are keenly aware that many of our students faced significant challenges throughout the past school year due to the pandemic. We recognize the need to provide students with strong, targeted instruction in order to close achievement gaps. We understand the urgency in doing so, and we stand committed to meeting the needs of our students.

Our primary concerns with HB 4545 are as follows:

- The law eliminates parental and local school district control over decisions regarding the accelerated instruction of students.
- Quality Tier 1 instruction is a better answer.
- The law applies retroactively.
- Accelerated Learning Committee meetings are untenable.
- The cost of implementation outweighs the anticipated benefits of accelerated instruction.

The amendments to HB 4545 we believe will assist school districts with successful implementation are as follows:

- Provide flexibility in providing accelerated instruction if the district's last district-wide rating was a B or higher;
- Eliminate the three-to-one student-to-teacher ratio;
- Allow districts to focus efforts on reading and math in the third, fifth, and eighth-grade levels where the impact of acceleration will be the greatest for long-term success;
- Allow parents the choice to opt-out of mandated tutoring;
- Remove the requirement to provide cookie-cutter accelerated instruction for students who took the STAAR Alt assessment;
- Remove the Teacher Incentive Allotment as a factor when determining what accelerated instruction must be provided;
- Remove the requirement to provide parents the opportunity to select the teacher for the next school year since such a request does not have to be honored; and
- Rework the Accelerated Learning Committee requirements; and

- Remove extensive restrictions on when accelerated instruction may take place.

Regardless of state assessment results, educators know that the global pandemic impacts all students. Educators in classrooms with students, in collaboration with parents, are in the best position to determine how to best meet the needs of students. Districts that have proven that they can provide quality instruction to get results should have local control over how accelerated instruction will be developed and delivered.

Philosophical concerns

Need for individualized instruction

If ever there was a moment for individualized care and instruction of students, it is now. HB 4545 forces districts to implement a cookie-cutter solution to a nuanced and complicated problem. This year, more than ever, educators and parents must make critical decisions regarding the educational needs of students. The individual academic, social, and emotional needs of students must be at the forefront of these decisions. Local decision-making is imperative in meeting the unique needs of our students. Our belief is that “one size fits all” philosophies are rarely the appropriate tools to improve student performance; in fact, we know the opposite to be true.

Needs of struggling learners

For a student who struggled mightily last school year, potentially never even coming into the building or engaging in online instruction, HB 4545 would have districts greet them at the door with the overwhelming news that not only will they be engaging in all of their normal learning but will also be required to attend tutoring in up to four content areas for a potential total of 120 hours, depending on the child’s grade level. That workload would be a struggle for our highest achieving students, much less our students who struggle. In a time when these students need to reacclimate to school, we will be overwhelming them with “extra” that they simply cannot handle. And the “extra” is unlikely to yield the desired results.

Retroactive application

State-wide, approximately one million students did not test last school year. HB 4545 had not been passed when parents made decisions regarding whether or not to send their students into school buildings to take the assessments. Because of the timing of passage of the bill, parents were not given the opportunity to make informed decisions about how not testing may impact their children during the next school year. Under HB 4545, parents do not have the authority to opt their children out of the mandated tutoring. If they had known this in the spring, parents might have made different decisions for their children. The retroactive nature of this bill is unsettling.

Practical concerns

Proven Response to Intervention (Rtl) practices

Years of study and experience have established that some students' learning gaps require more time in intensive interventions than others. HB 4545's one-size-fits-all approach fails to recognize that students have varying levels of need. In addition, it is a one-size-fits-all approach based on one assessment. Strong acceleration plans should be based on the triangulation of student data. HB 4545 sets an arbitrary length of intervention time to 30-hours per STAAR-failed subject for every student, regardless of their specific instructional needs or the rate at which their learning accelerates and learning gaps close. Students accelerating at rapid rates should have the opportunity to move out of targeted interventions when learning gaps have been closed. Small group instruction provided by the classroom teacher following a mini-lesson is highly successful for students needing targeted Tier Two interventions. HB 4545 approaches the learning gaps with the requirement of Tier Three intervention for all students when that intensity of intervention is not warranted.

Accelerated Learning Committee meetings

HB 4545 mandates how accelerated instruction will take place but also mandates that an Accelerated Learning Committee (ALC) meet for each child who did not pass state assessments by the end of September. A regimented plan should not be paired with a useless meeting to approve a plan neither the district nor parent has control over. This exercise in futility only serves to remove teachers from critical instruction time and administrators from necessary support duties. By way of example, a large incoming 9th grade class at one large 6A high school will require administrators and teachers to dedicate over 125 hours of meeting time during the first few weeks of this school year. This translates to over 21 school days of 15-minute ALC meetings, scheduled back-to-back with no breaks for 6 hours a day. The volume of paperwork, coordination, and scheduling this will require is untenable. The requirements around this meeting make engaging in authentic, student-focused decision-making discussions impossible. When this requirement is added to federally mandated IEP meetings and 504 meetings, our campuses will be saddled with more meetings than teaching.

Cost

The cost of providing the accelerated instruction contemplated in HB 4545 is excessive in light of the anticipated results. Tutoring is not a new concept for educators, and educators know the impact quality tutoring can have on some students' performance in the classroom. As discussed above, though, not every student responds to this type of intervention in the same way, and HB 4545 is an expensive tool. Let's take Birdville ISD as an example. Birdville ISD anticipates that it will be required to provide 349,000 hours of accelerated instruction this next school year, and the price tag of that endeavor is approximately \$1,842,960—without the cost of transportation. While we understand that ESSER funds may be used to cover this cost, there are better uses of those federal funds. Allowing districts the flexibility discussed in this letter will make better use of time and money and will ultimately see a better result for our students.

How to fix HB 4545

We understand the need for accelerated instruction. The impact of the pandemic is not lost on these districts, and our responsibility to our families is keenly felt every day. With the following adjustments to HB 4545, we believe we will be in a better position to meet the individual needs of the students in our districts.

Flexibility for districts rated B or higher

We recommend adding a section to the bill that limits applicability to districts that were rated below a B the last time district-wide grades were given. A and B school districts have proven that they have the ability to deliver quality instruction and meet the academic needs of their students without a mandated cookie-cutter acceleration system.

Eliminate student-to-teacher ratio limitation

HB 4545 mandates that tutoring sessions take place in a three-to-one student-to-teacher grouping unless the student's guardian consents to a larger group. This arbitrary limitation does not meet the need of every student, is expensive, and will likely be met with a shortage of qualified tutors.

Limit required tutoring to the biggest impact grades and areas

Educators know that focusing on reading and math in the third, fifth, and eighth-grade levels will result in our greatest gains. Mandating 30 hours of science tutoring when the classroom teacher knows that the problem is the student's reading comprehension simply makes no sense. Without the HB 4545 mandate, the teacher could focus on reading acceleration for more than 30 hours, which will produce gains across all tests, rather arbitrarily dividing time between four content areas.

Allow parent choice

HB 4545 strips parents of any choice relating to the accelerated instruction being mandated. The bill does not allow parents to opt-out of some or all of the tutoring required in the bill. Parents are intimately familiar with their children's academic status and should have some say in the instruction being provided to their children. Not allowing parents to opt-out of this draconian tutoring bill is counter to all other parent-empowerment messages being heard at the state level.

Remove STAAR Alt as an area for mandated acceleration

Our students with the most profound special education needs take the STAAR Alt assessment. These students have goals scaffolded down to prerequisite skills for age-appropriate TEKS. Mandating prescribed hours of tutoring for these students is ridiculous at best and inhumane at worst. After a pandemic year when needed services may have been altered or delayed to keep students safe, these students should be allowed to move forward with their IEP goals as crafted by their ARD Committee without the state mandating arbitrary tutoring requirements.

Teacher Incentive Allotment does not belong in an accelerated instruction bill

We also ask that the Teacher Incentive Allotment be removed as a factor when determining what accelerated instruction must be provided as found in section (a-1)(1). Many districts are in later

phases of TIA implementation and using this as a factor now punishes districts that were not aware of the impact of implementation timing.

Remove parent request for a specific teacher

Section (a-5) of HB 4545 allows a parent to make a request for a specific teacher in the area in which the student failed to perform satisfactorily. The law does not require the district to honor that request. Parents have been requesting specific teachers since education moved out of a single-teacher red schoolhouse, and there is no need for a law that allows for the making of that request. We advocate for removing this section since it is essentially hollow.

Accelerated Learning Committees only after consecutive failures

Accelerated Learning Committees (ALCs) are required even though the minimum amount of required tutoring is mandated within HB 4545. The volume of meetings necessary to comply with the law is untenable, especially this school year. To allow teachers and administrators to spend time actually working to fill academic gaps rather than talking about it, we propose that ACL meetings only take place after a student fails an assessment two consecutive times and that the superintendent or designee be removed as a mandatory committee member at that time. We also recommend that implementation of this portion of the bill not take place until the 2022-2023 school year. Students on IEPs or 504 plans will continue to have planning meetings as required by other laws.

Allow more time in day for accelerated instruction

HB 4545 prohibits small group accelerated instruction from occurring during delivery of instruction, recess or other physical activities, or enrichment curriculum. Unless a campus has a schedule with free flex time (like a study hall) these tight restrictions force accelerated instruction to occur before or after school. It is very difficult to get students to come early or stay late under the best of circumstances, and this task will be effectively impossible for 30 to 120 hours of additional intensive instruction in academic areas in which the student struggles. Allowing flexibility in how a student receives accelerated instruction will allow districts to best meet the needs of each student.

In summary and with all due respect, HB 4545 has the potential to cause more harm than good. Stripping school districts and parents of control over all choices related to accelerated instruction is a mistake. Saddling schools with expensive cookie-cutter requirements that may or may not meet the needs of students is short-sighted. As high-performing districts, we ask that you allow our educators to do the job they have proven they can do. Let them teach, learn their students' needs, and meet those needs.

We are aware of the learning gaps the pandemic has created, and we are ready and able to meet the needs of our students outside of HB 4545's draconian measures. Let us.

Sincerely,

Arlington ISD
Birdville ISD
Carroll ISD
Coppell ISD
Eagle Mountain Saginaw ISD
Grapevine-Colleyville ISD
Hurst-Eules-Bedford ISD
Keller ISD
Lewisville ISD
Mansfield ISD
Northwest ISD

