

July 20, 2022

The Honorable Harold V. Dutton, Jr.
Chair, Committee on Public Education
Texas House of Representatives

RE: Implementation of House Bill 4545

Dear Chairman Dutton and Members of the House Public Education Committee,

The Texas Association of School Administrators (TASA), the Texas Association of School Boards (TASB), the Texas School Alliance (TSA), and the Texas Association of Community Schools (TACS) appreciate the opportunity to comment on the implementation of HB 4545, 87th Texas Legislature. Our comments are as follows:

Concerns

- During the public comment period for the commissioner's proposed rules on HB 4545 implementation, Rep. Ken King, TASA, TASB, TSA, and the Texas Association of School Business Officials relayed that the proposed rules did not acknowledge that COVID-19 Elementary and Secondary Emergency Relief (ESSER) funding that was directed to help implement the new and more rigid "supplemental" instruction requirements that would not be available in perpetuity. This will result in an unfunded mandate that will stress district budgets as school leaders contend with identifying funds to attract and retain qualified teachers as well as improve campus security.
- Schools have struggled to recruit and hire tutors amid severe teacher shortages to provide the prescriptive supplemental instruction requiring a 3:1 student-to-teacher ratio while providing a one-size-fits-all 30 hours of supplemental instruction to every student who has failed a STAAR or end-of-course (EOC) exam in any subject area. Schools experienced this problem while temporary ESSER relief funding was available, and it will only be exacerbated when ESSER funds expire.
- District leaders were hesitant to utilize funding from the Texas COVID Learning Accelerated Supports (TCLAS) grant because it was too prescriptive. For example, math and literacy coaches could only be used to coach teachers on Texas Education Agency-approved computer-based reading and math programs. These programs did not increase the capacity of teachers to use effective instructional techniques and have shown limited success in benefiting students. They should be used as a last resort rather than a first response to the needs of struggling students.

Recommendations

- The state should consider allocating funds for the supplemental instruction prescribed in HB 4545 to counteract the expiration of federal ESSER relief funds. While the ESSER funds were not enough to address all remediation needs, they certainly were welcomed by school leaders and directed towards helping our neediest students catch up. Recent STAAR scores have already shown great improvement, especially in reading. The state's continued investment in remediation strategies is critical to further improving student performance.
- State leaders must reevaluate and remove inflexible requirements that have proven unfeasible to implement and that do not recognize the varying levels of need among students. Whereas some students who failed a STAAR exam require more than 30 hours of specialized tutoring, and some may require 15 hours. Other students, who are high achievers but are sick and miss a test administration may not require any tutoring at all. Additionally, some students may thrive in a tutoring class of 10 students to each teacher, while others might need one-on-one help. Educators working with those students are in the best position to determine how much assistance a student needs.

Additional Recommendations

At the House Public Education interim hearing held on May 24, 2022, Commissioner of Education, Mike Morath, shared a slide on HB 4545 implementation that listed “considerations” for the Committee. Our perspective on those considerations is below:

- *Feedback from the field indicates that Accelerated Learning Committees would likely be more effective if they occurred only after the initial 4545 Accelerated Instruction intervention fails.*
 - Response – We agree and advocate for more local discretion in instructional planning. Campus educators were already providing remediation for students who did not perform well on STAAR exams, so the added meetings and paperwork to now check a box for bureaucratic compliance purposes is requiring an inordinate amount of time for teachers and principals – reducing time available to focus on the actual remediation and instructional needs of students.
- *Determine whether the same requirements should apply to science & social studies as reading & math.*
 - Response – We agree and advocate for more local discretion in instructional planning. There is a lack of continuity of content for the science and social studies STAAR and EOC exams. Many students who fail these exams struggle in reading and mathematical processes which is where the focus on intervention should be placed.
- *Determine whether it would be appropriate to support a range of supplemental instruction intensity, varied by student need.*
 - Response – We agree and advocate for more local discretion in instructional planning. Students who are sick or whose parents do not want them to participate in a STAAR or EOC exam administration do not automatically need 30 hours of remediation for that exam. The hours of remediation should vary depending on the needs of students.
- *Clarify the conditions under which parents can opt-out of supplemental instruction requirements.*
 - Response – We agree. Parents, especially during the pandemic, opted to keep their children home during state testing. Some parents may also wish to opt their children out of the mandated 30 hours of supplemental instruction if it means missing other classes or school activities. Going forward, parents may continue to keep their children home during state testing even though state law prohibits parents from opting their children out of required state test administration and accelerated instruction. This has led to confusion among parents and school personnel who are attempting a good-faith effort to implement HB 4545 requirements. There is also a federal test participation rate requirement of 95% that the state must meet. This conflict has the potential to negatively affect federal funding for our state if that participation rate is not met.

Thank you for the opportunity to share our concerns and recommendations about HB 4545. We appreciate the committee’s tireless efforts to support Texas students.

Respectfully,



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