

SUBJECT: Requiring implementation and use of scientific research-based curricula

COMMITTEE: Public Education — favorable, with amendment

VOTE: 6 ayes — Dutton, Dunnam, Grusendorf, Hardcastle, Olivo, Smith

3 nays — Sadler, Hochberg, Oliveira

0 absent

WITNESSES: For — Miles Jones, Paul Koeltzow

Against — David Dunn, Texas Association of School Boards; Merry Lynn Gerstenschlager, Texas Eagle Forum

On — Ann Smisko, Texas Education Agency

DIGEST: HB 801 would require the State Board of Education (SBOE) to establish curriculum and graduation requirements based on “scientific research.” SBOE would have to review and adopt textbooks for reading, spelling, and mathematics based on scientific research as soon as practicable.

Regional education service centers would have to offer training and assistance in teaching each subject area using methods based on scientific research. School superintendents would have to plan, operate, supervise, and evaluate curricula based on scientific research for elementary reading, spelling, and mathematics. Elementary principals would have to set specific education objectives for their campuses, including implementation of scientific research-based curricula for reading, spelling, and mathematics.

A school district’s plan for improving student performance based on instructional methods would have to include methods based on scientific research for reading, spelling, and mathematics. The plan also would have to include research-based special-needs reading programs and staff training in the use of curricula based on scientific research for reading, spelling, and mathematics.

The bill would apply the scientific-based research curriculum requirements to a home-rule school district, a campus charter school, and an open-enrollment charter school. It would require the Texas Department of Criminal Justice's education programs to develop an educational curriculum based on scientific research to teach reading, spelling, and mathematics to people who tested at or below the sixth-grade level on placement tests.

Not later than September 1, 2002, the educator preparation accreditation standards would have to include the requirement that elementary teachers have knowledge of educational curricula based on scientific research for teaching reading, spelling, and mathematics.

Qualifications for certification as an elementary school principal would have to emphasize knowledge of effective implementation methods for educational curricula based on scientific research for elementary reading, spelling, and mathematics. A comprehensive field-based educator preparation program for elementary teachers would have to include emphasis on the use of methods and curricula based on scientific research for teaching elementary reading, spelling, and mathematics.

To be certified as a master reading teacher, a person would have to complete a knowledge-based and skills-based course of instruction on the science of teaching children to read that emphasized the use of educational methods based on scientific research. Required staff development activities could include study of educational methods based on scientific research.

The Texas Essential Knowledge and Skills (TEKS) curriculum would have to include elementary reading using educational methods based on scientific research, morphographic (phonics-type) spelling using educational methods based on scientific research, and elementary mathematics using educational methods based on scientific research. The bill would specify that any method used for teaching reading, spelling, or mathematics must be based on scientific research. Bilingual education curricula for teaching reading, spelling, and mathematics would have to be based on scientific research.

Compensatory and accelerated instruction would have to consist of educational methods based on scientific research. Dropout recovery programs would have to be based on scientific research. Prekindergarten

programs, tutorial services, adult education programs, bilingual textbooks, and alternative education programs would have to be based on scientific research.

The first time a student was referred to a principal for discipline, the principal would have to determine the student's educational performance level by administering a reading and a mathematics placement test. The principal would have to place the student in an appropriate corrective placement that used methods based on scientific research if the student's test performance was two or more grade levels below the student's assigned grade level. Corrective education programs would have to use methods based on scientific research.

Juvenile justice alternative education programs would have to place students performing below grade level in a corrective educational program that used methods based on scientific research.

Parental involvement agreements, made upon admitting a student to a school-community guidance center, would have to include a description of the educational methods based on scientific research, the behavioral modification methods that the school district intended to use to meet the objectives, and the school district's acknowledgment that the district would use the best educational methods based on scientific research available to accomplish the learning objectives.

Corrective reading programs for students with dyslexia and related disorders would have to be based on scientific research that had proven successful in remediating dyslexia.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

HB 801 is necessary to ensure that Texas students receive the benefit of the most effective teaching methods in reading, spelling, and mathematics. Students who are not well taught do poorly in classes and on the required Texas Assessment of Academic Skills (TAAS) exam and are more likely to be held back. Retention increases the likelihood that a student will drop out

of school. Minority students and low-income students are more likely to be held back and to drop out. Also, there is a positive correlation between failing to receive a high school diploma and spending time in prison. Of students who do not drop out and do graduate from high school, 60 percent need remedial education.

Texas needs to implement scientific research-based curricula because TAAS has become the default curriculum. Many students cannot read because they have not been given sufficient solid instruction in reading. An increasing number of these children are placed in special education classes, where they can avoid taking the TAAS exam, and a school campus can avoid having to factor that student's TAAS score into their campus average. These students are educationally induced into special education due to poor instruction in reading. A student who cannot read does not need a special education placement, but rather instruction in reading.

Poor reading instruction fails low-income children in particular. Early reading instruction is crucial to student success. Children from higher-income families tend to have parents with more education. These parents often teach their children to read before their children start school. Low-income parents are less likely to teach their children to read before their children start school. As a result, low-income children tend to need solid instruction in basic reading skills. If a child already can read, it does not matter which textbook the teacher uses. If a child cannot read, the textbook and other curriculum components are extremely important.

OPPONENTS
SAY:

HB 801 would impose a heavy burden on Texas' public school teachers and education in the name of a "scientific research-based curriculum." The bill does not define the term, nor does it provide any guidelines to explain what such a curriculum was or how to verify that a curriculum was based on scientific research. The bill would not explain to educators and parents exactly what it would require of schools. Use of such a vague term in a legal standard would allow any parent who did not approve of or agree with any teaching practice to challenge it as "not scientific research-based" in an attempt to exclude it from the classroom. Teachers and school districts would have to defend even the most frivolous lawsuits without a clear standard for the judge or jury to apply in determining whether the challenged practice was scientific research-based.

Under current law, the SBOE determines the required curriculum components with input from professional educators and education experts who review and evaluate proposed material. The process also allows for public input and commentary, which is appropriate because the public schools are funded with state money. Through this process, SBOE determines what should be taught on the basis of the best information available.

During the past few years, Texas has spent more than \$460 million in state and federal funds on reading initiatives and student success programs, including the governor's statewide reading initiative, grants to local school districts to improve reading, the master reading teacher certification, the accelerated reading instruction program, statewide teacher reading academies, and development of parental involvement in reading instruction materials. These programs and initiatives have refined and improved reading education in Texas. It is unclear whether these programs would meet the "scientific research-based" test.

No complete consensus exists on the best way to teach reading and spelling. For example, educators are divided over whether phonics or "whole language" is a better method. While there is some consensus as to the best methods for teaching reading and spelling, there is very little consensus on the best way(s) to teach mathematics.

HB 801 would curtail educational innovation. It would deny students exposure to new, possibly extremely effective and more efficient teaching methods. The bill's requirements would apply to textbooks and to all instructional materials, which effectively would prohibit teachers from using supplemental materials that were not part of an approved scientific research-based textbook.

TAAS is based on TEKS, the required school curriculum. TAAS measures how well students are learning the knowledge that comprises TEKS. The current school curriculum should not be considered defective because it is based on the knowledge that comprises TEKS.

The bill would not provide accountability guidelines. It would not explain how a teacher or campus could prove that a new curriculum was based on scientific research. Also, requiring a teacher or campus to prove use of a

scientific research-based curriculum would entail additional paperwork from already overburdened teachers.

NOTES:

According to the bill's fiscal note, it would cost the state \$6.3 million in general revenue in fiscal 2002, including \$5.5 million for developing the reading and math tests to be administered to a student the first time that he or she was sent to the principal's office; \$500,000 for a contracted study to assemble, analyze, and summarize all the relevant research so that it could be used to develop a curriculum based on "scientific research," plus \$114,275 for additional employees, whose salaries would be an annualized cost; and \$180,000 to convene curriculum-writing teams to development the scientific research-based curriculum. In addition, the Texas Education Agency estimates that the cost to regional education service centers for training the state's approximately 273,000 teachers would total at least \$232 million, some of which would be passed on to local school districts.

The committee amended the filed version of HB 801 by deleting a provision that would have authorized a parent to obtain a court order to require the school district superintendent to comply with a parental involvement agreement made on admitting a student to a school-community guidance center, and providing that a superintendent could be punished for contempt of court for violating such a court order.