

- SUBJECT:** Establishing accelerated instruction for certain students, grant program
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Dutton, Lozano, Allison, K. Bell, Buckley, Huberty, K. King, Talarico, VanDeaver
- 3 nays — Allen, M. González, Meza
- 1 absent — Bernal
- SENATE VOTE:** On final passage, May 17 — 24-6 (Blanco, Eckhardt, Johnson, Menéndez, Miles, Powell)
- WITNESSES:** No public hearing.
- BACKGROUND:** Education Code sec. 28.0211 requires satisfactory performance on required math and reading exams for a student in grade 5 or grade 8 to be promoted to the next grade. School districts must provide accelerated instruction to a student each time the student fails to perform satisfactorily on a required exam in grades 3 through 8.
- Sec. 28.0211(c) requires a grade placement committee to be established to prescribe the accelerated instruction for a student in grade 5 or 8 who failed to perform satisfactorily on an exam a second time. Sec. 28.0211(e) requires a fifth or eighth grade student who, after at least three attempts, failed to perform satisfactorily on a required exam to be retained at the same grade level for the next school year. The student's parent or guardian may appeal the student's retention to the grade placement committee, which may decide in favor of a student's promotion under certain conditions.
- Concerns have been raised about student learning loss, particularly in the wake of the COVID-19 pandemic, and about the grade placement committee process. Interested parties have called for eliminating grade promotion that is reliant on the passing of certain standardized tests and

providing for accelerated instruction standards.

DIGEST:

CSSB 2094 would remove statutory requirements that students in grades 5 and 8 pass their required reading and math exams for promotion to the next grade. The bill also would establish requirements for districts to provide accelerated learning to students who had failed an exam and would create a grant program to help schools increase their instructional rigor.

Grade promotion. CSSB 2094 would repeal the requirement that a student who, after at least three attempts, failed to perform satisfactorily on a fifth or eighth grade state reading or math exam would be retained at the same grade level for the next school year. The requirement for such a student to take the exam at least three times also would be repealed.

Accelerated instruction. The bill would require school districts to provide accelerated instruction in the applicable subject to students in grades 3, 5, and 8 each time the student failed to pass a state reading or math exam. The commissioner of education would have to provide resources to districts to assist in providing an accelerated instruction program.

The accelerated instruction would have to be provided during the subsequent summer or school year and either:

- allow the student to be assigned for the subsequent school year a classroom teacher who was certified as a master, exemplary, or recognized teacher in the applicable subject area; or
- provide the student supplemental instruction as required by the bill.

In providing accelerated instruction, a district could not remove a student from instruction in the curriculum for the grade level in which the student was enrolled or from recess or other physical activity that was available to other students, except for circumstances for which a student enrolled in the same grade level who was not receiving accelerated instruction would be removed.

Federal funding for supplemental instruction. If a district received funding under certain federal laws related to the coronavirus pandemic, supplemental instruction provided by the district would have to:

- include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
- be provided in addition to instruction normally provided to students in the grade level in which the student was enrolled;
- be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction was provided fully during summer, include instruction no less than once per week during the school year;
- be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
- include effective instructional materials designed for supplemental instruction;
- be provided to a student individually or in a group of no more than three students, unless the student's parent or guardian authorized a larger group;
- be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district; and
- to the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Accelerated learning committee. CSSB 2094 would require a school district to establish an accelerated learning committee for each student who did not perform satisfactorily on the grade 3, 5, or 8 math or reading exams. Accelerated learning committees would replace the required grade placement committees in current law for certain students in grades 5 and 8.

The accelerated learning committee would have to be composed of the principal or designee, the student's parent or guardian, and a teacher of the relevant subject. The committee would have to develop an educational

plan for the student that provided the necessary accelerated instruction by the start of the subsequent school year. The plan would have to be documented in writing, and a copy would have to be provided to the student's parent.

A district board of trustees would have to adopt a policy consistent with the grievance procedure for parental complaints to allow a parent to contest the content or implementation of an educational plan.

The bill contains certain requirements for the accelerated learning committee for a student who failed to pass a state exam in the subsequent school year. The district superintendent or designee would have to meet with the student's committee to identify the reason the student did not perform satisfactorily and determine if modifications of the student's educational plan were needed and if any additional resources were required for the student.

Certified teacher. A student who was promoted to the next grade despite having failed an exam would have to be assigned an appropriately certified teacher for that subject and grade. The commissioner could waive the requirement at the request of a school district.

Strong Foundations Grant Program. CSSB 2094 would require the education commissioner to establish and administer a strong foundations grant program for campuses serving students enrolled in prekindergarten through grade 5 to implement a rigorous school approach that combined high-quality instruction, materials, and support structures. The bill specifies requirements for the components of the grant program that districts, charter schools, and their campuses would have to implement under the program.

The commissioner would have to use funds appropriated, federal funds, or other available funds for the grant program. Grants could be in the form of funds, in-kind resources, or both. A school district or charter school could use the funds to financially support or train educators and other staff, pay for agreements with other entities to provide prekindergarten services, or

pay for accelerated instruction.

Intervention. The commissioner could require a school district or charter school to comply with all requirements of the grant program at a campus that:

- included students at any grade level from prekindergarten through grade 5;
- was assigned an overall performance rating of D or F; and
- was in the bottom 5 percent of campuses in the state based on student performance on the grade 3 reading exam administered during the previous school year.

If funds were appropriated for the grant program, the commissioner would have to award those campuses a grant to implement the requirements. The commissioner would have to adopt rules to determine whether a district or charter school was adequately complying with the grant program requirements.

The bill would apply beginning with the 2021-2022 school year.

The 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, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$146.9 million to general revenue through fiscal 2023.