

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 4310  
By: Dutton (Hughes)  
Education  
5/16/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 28, Subchapter A, of the Education Code deals with the essential knowledge and skills "necessary to read, write, compute, problem solve, think critically, apply technology, and communicate across all subject areas" (Section 28.001). Teachers need the flexibility to spend an appropriate amount of time with students to ensure that they are learning this important curriculum. State law and regulation protect teacher discretion to some extent. Section 28.002(i) of the Education Code, for example, states that the State Board of Education "may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject." The Texas Administrative Code has stronger protections. Both 19 TAC 74.2 for grades K-5 and 19 TAC 74.3 for grades 6-8 state that districts must ensure that "sufficient time is provided for teachers to teach and for students to learn" various areas of the essential knowledge and skills.

C.S.H.B. 4310 incorporates into statute a version of these important regulatory protections for teacher discretion. The bill also prevents a school district from penalizing a teacher for not following a designated scope and sequence for essential knowledge and skills if the teacher determines that more time is needed to cover the material.

C.S.H.B. 4310 amends current law relating to a school district's scope and sequence for subjects in the required curriculum for public school students.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0027, as follows:

Sec. 28.0027. DISTRICT CURRICULUM SCOPE AND SEQUENCE. (a) Requires a school district, in adopting a recommended or designated scope and sequence for a subject in the required curriculum under Section 28.002(a) (relating to the requirement that each school district that offers kindergarten through grade 12 offer a foundation curriculum and an enrichment curriculum) in a particular grade level, to ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level.

(b) Prohibits a school district, except as provided by Subsection (c), from penalizing a teacher who does not follow a recommended or designated scope and sequence for a subject in the required curriculum under Section 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level.

(c) Authorizes a school district to take appropriate action with respect to a teacher for conduct described by Subsection (b) based on documented evidence of a

deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.