House Bill (HB) 4545, relating to accelerated learning, passed third reading 82-62 on Thursday after a dizzying several days of twists and turns. Despite its many iterations, TSTA has opposed the bill throughout because it would give the commissioner of education excessive and unnecessary authority over the distribution and use of American Rescue Plan (ARP) federal relief funds by districts.

Although some improvements were made by way of two committee substitutes and four floor amendments, the version of the bill that finally passed would limit local control related to accelerated learning decisions. Most importantly, there is no guarantee that the beneficial changes made to HB 4545 prior to passage will not be undone in the Senate or in conference committee.

As filed, HB 4545 aimed to develop a program that would financially reward districts with ARP money based on the STAAR test, confusing the systems of accountability and school finance. TSTA opposes any form of outcomes-based funding and submitted testimony alongside 12 other education organizations arguing this point. It would make no sense to financially privilege campuses that have less need for accelerated learning, especially with funds intended to be used to remediate learning loss due to the COVID-19 pandemic.

As filed, HB 4545 would also have authorized a grant program that would empower the commissioner to impose a state-mandated curriculum and override local control on issues related to curriculum, instructional materials, and educator professional development. Families of the students receiving accelerated learning also would be permitted to choose their child’s teacher. Finally, although the stated intent of the legislation would be to use the ARP federal relief funds to provide accelerated learning as outlined in the bill, there was no expiration of the requirement. This would ultimately result in an unfunded mandate.

Bipartisan concerns, especially surrounding the outcomes-based funding provision of this bill, resulted in committee substitutes and floor amendments that removed some of the more contentious aspects of the bill. One such change removed the provision that funding would be dependent on a school’s STAAR test results. Third reading amendments also removed commissioner control of instructional materials and the requirement that accelerated learning as outlined in the bill would continue beyond the ARP. Chairman Dutton however never would commit to keeping the outcomes-based funding provision out of the bill in either the Senate version or conference committee.

Although the bill failed to pass third reading on a vote of 62-78, Representative Senfronia Thompson, in a surprise turn of events, motioned to reconsider spread on the journal. Late Wednesday Chairman Dutton called for reconsideration of HB 4545, and the bill passed Thursday morning 82-62. Had Rep. Thompson not motioned to reconsider, this bill would have been dead. Curiously, Rep. Thompson voted nay both times.

On the House floor, Chairman Dutton consistently pushed a false narrative that the money would otherwise sit unused at TEA, suggesting that schools would only be eligible to receive the federal relief dollars if HB 4545 passed. In truth, the US Department of Education (DOE) has issued guidance regarding how the relief funds must be spent.
to address learning loss, both by TEA and by districts. DOE guidance outlines exactly how and in what manner states and districts must spend the funds, so in fact HB 4545 is not a necessary vehicle for distribution. Guidance also requires that states and districts engage in meaningful consultation with stakeholders, “including educators, school staff and their unions.” Because HB 4545 goes against the requirement to engage with stakeholders, the prescriptive nature of the bill regarding use of federal relief funds is arguably not even permissible.

The problematic portion of the bill related to teacher assignment is also still in the iteration of the bill that passed. According to the language, parents of the students receiving accelerated learning would be entitled to choose their child’s teacher, but there is no protection against inflated student-teacher ratios of the “favorite” teacher. Additionally, there is concern with the assumption that non-educators would know better than the school which educators and class compositions are best suited to meet individual student needs.