



REQUIREMENTS FOR ACCELERATED INSTRUCTION

The Texas State Teachers Association offers the following comments to Proposed New 19 TAC Chapter 104, Accelerated Instruction, §104.1001, Modified Teacher Assignment and Accelerated Learning Committee

The Texas State Teachers Association appreciates the work of the Texas Education Agency in drafting the proposed new rule text related to the requirements for accelerated instruction as provided for by the 87th Texas Legislature's House Bill 4545. Overall, TSTA believes that the proposed language will help clarify the statutory requirements of the law, especially related to the overlapping responsibilities of the accelerated learning committee and the admission, review and dismissal committee. However, we feel that additional clarification is needed in §104.1001 (c), content and delivery of supplemental accelerated instruction.

TSTA believes that there should be language that makes clear that supplemental instruction does not have to be provided by a certified teacher or teacher of record. Additionally, if the supplemental instruction occurs beyond the school day or year, language should be clear that classroom teachers cannot be required to deliver the supplemental instruction and, if they choose to do so, must be fairly compensated for their extra time.

Clarify that supplemental instruction does not have to be provided by a certified teacher or teacher of record

TEC §28.0211 does not require the individuals responsible for delivering supplemental instruction be certified teachers or teachers of record, but we are hearing from our membership that there is broad misunderstanding about this in implementation. Law allows districts to consider creative solutions to offering supplemental instruction that could include any number of individuals, provided they have received "training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district." But districts are overwhelmingly requiring classroom teachers to provide supplemental instruction to students.

Due to continued staffing challenges in schools and the overwhelming burden the COVID-19 pandemic continues to place on classroom teachers, TSTA would like to see clarification in the new rule stating that the individuals who fill this requirement do not need to be certified teachers or teachers of record. Rule text could also go farther and enumerate some of the possible individuals districts can consider, such as retired teachers, substitute teachers, education associates, campus or district staff, pre-service teacher candidates, community members or even high school students.

Certainly, it is true that certified educators are the most qualified to deliver instruction to students with especially large learning gaps, but HB 4545 triggers supplemental instruction be provided for large numbers of students with a wide range of needs. Districts should understand that they have latitude to determine what sorts of supports are provided and by whom.

Clarify that a classroom teacher cannot be required to deliver the instruction beyond the school day or year; and, if they choose to do, must be fairly compensated for their extra time.

The rules fail to address educator compensation or teacher choice. In the event it is determined to be in the best interest of the student to have a certified teacher deliver the supplemental instruction, it is important that language be added to clarify that if the supplemental instruction occurs outside the school day or year that a classroom teacher cannot be required to deliver the supplemental instruction. Language must also make clear that if a teacher agrees to the supplemental assignment, then he or she should be fairly compensated not just for the time spent delivering supplemental instruction but also for the time spent planning. This is not only an allowable use of ESSER funds, the United States Department of Education ESSER guidance documents recommend using the funds to compensate teachers for supplemental efforts to address learning loss.

Certified teachers of record should support in developing the plan for accelerated instruction, and in some cases might also be the ones best suited to provide the instruction. However, in most instances it is of greater benefit to students to ensure classroom teachers have the time and energy to focus on planning for Tier 1 instruction. Teachers must also have sufficient time planning for the small group support and reteach that they provide during the regular class period.

HB 4545 allows districts to consider multiple options in terms of delivery of supplemental instruction, and TSTA believes that rule text should better reflect this breadth. It should also make the distinction between support required in the existing contract and supplemental strategies that deserve supplemental compensation.