



## 5.24.22 HOUSE COMMITTEE ON PUBLIC EDUCATION

*Public Education Interim Charge 1: Monitor the agencies and programs under the committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87<sup>th</sup> Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation.*

On behalf of the 65,000 members of the Texas State Teachers Association, the following are comments in response to the implementation, associated rulemaking and governmental actions taken to ensure the intended legislative outcome of: House Bill 1525, related to public school finance vis-à-vis the House Bill 3 literacy achievement academies; House Bill 4545, relating to accelerated instruction; and Senate Bill 1716, related to supplemental special education services. TSTA supports quality professional learning opportunities for educators, and we support policies that will ensure access to accelerated and supplemental supports for all students. The 87<sup>th</sup> Texas Legislature advanced multiple measures that align with these priorities, and TSTA appreciates the opportunity to offer feedback on how to best continue the work in ways that center Texas students.

### **HB 1525, RELATING TO PUBLIC SCHOOL FINANCE VIS-À-VIS READING ACADEMIES**

As part of HB 3, the bipartisan education overhaul, the 86<sup>th</sup> Texas Legislature promoted multiple literacy initiatives, including the requirement that educators attend reading academies and receive training on the science of teaching reading. The 87<sup>th</sup> Texas Legislature passed HB 1525, with near-unanimous support, to extend the deadline by which currently employed educators must have attended a reading academy to the 2022-2023 school year. However, given TEA's strict 12-month window of completion, many educators are not able to benefit from the HB 1525 deadline and face penalty of losing placement in K-3 classrooms if they do not finish the training in time.

Additionally, neither the 86<sup>th</sup> nor the 87<sup>th</sup> Texas Legislature allocated funding to support the work of the HB 3 Reading Academies. This oversight has forced districts and teachers to implement low-cost/low-quality models, and it has meant that many teachers are working nights and weekends without compensation.

#### *High-quality professional development takes time*

TSTA commends the incredible work of the Texas Education Agency in getting these academies up and running, and we appreciate the many flexibilities that have enabled districts to meet local need. Educators find the content to be valuable and are excited about the positive impact it will have on their practice.

We also want to acknowledge the Agency's responsiveness to the reported implementation challenges and its readiness to make modifications accordingly. The Year 3 adjustments will help streamline the process and afford educators access to more efficient and effective professional development experiences in the coming years.

**However, we believe that it is imperative that additional flexibilities be extended to the nearly 60,000 educators who are currently engaged in the work of the academies.** These teachers will not benefit from the Year 3 changes, and many also will not benefit from HB 1525 deadline due to the arbitrary 12-month window set by TEA.

HB 1525 extends the deadline by which currently employed educators must have attended the reading academy, but in implementation this extension has proven to be of benefit only to those districts that needed additional time to begin. The legislation is not sufficiently benefiting districts who initiated the trainings more promptly or the educators who are currently enrolled in them. While districts have until the end of the 2022-23 school year to ensure their employees attend an academy, individual employees are still required to finish within twelve months, whenever that might happen to be. For many teachers, that window will expire long before the end of the 2022-23 school year.

We believe that the Commissioner of Education has the authority to adjust this window and that doing so is in the best interest of teachers and students. TEA guidance initially required teachers to complete the full training within eleven months, but the Frequently Asked Questions document posted on the TEA website was recently updated and now indicates that teachers have an additional month. This unannounced edit suggests that this change can be made with ease, and it also indicates that the Agency, too, has recognized the need for additional time.

HB 1525 answered a call from educators to extend the reading academies deadline, and the intent was likely not that educators would benefit selectively. TSTA believes the Commissioner of Education should eliminate the 12-month completion window for all existing employees who have not yet successfully completed the training. No existing teacher who is overburdened by the work in an already difficult year should be under pressure to complete the reading academy inside of the law's deadline, especially given that the time commitment of the current version is much greater than it will be in future years. District administrators also should not be burdened unnecessarily by having to reassign strong teachers. Many Texas educators are telling us that this will be their last straw. In the aftershock of the pandemic and ongoing teacher shortage, this very minor change is not only fair, but necessary.

#### *High-quality professional development costs money*

The HB 3 Reading Academies were modeled after the 2018-19 READ Grant academies, a high-quality professional learning exemplar enabled by SB 925 (84-R) that combines in-person trainings with job-embedded coaching. However, because neither the 86<sup>th</sup> nor the 87<sup>th</sup> Texas Legislature allocated funding to support the work of the HB 3 reading academies, they are falling far short of their intended standard, and many educators are not being compensated for the work.

SB 925 received unanimous support in the Senate and near-unanimous support in the House, and the 84<sup>th</sup> Texas Legislature also acknowledged the need to put their money where their mouth was; the gold standard literacy academies, upon which HB 3 Reading Academies were supposed to be emulated, were very well funded. There was a \$17.8 million budget rider for the SB 925 academies (the governor requested \$30 million), and the legislation also "entitles a teacher who attends a literacy achievement academy to receive a stipend."

In contrast, the HB 3 Reading Academies offer districts a false choice between a higher-quality comprehensive model — one more in line with the READ Grant — and the blended model. The comprehensive reading academies replicate the best-practice elements of professional learning, offering individualized coaching in conjunction with in-person trainings. At \$3000 per participant, they are also very expensive and so not a realistic choice for districts. Blended academies, on the other hand, though more affordable at \$400 per participant, lack the meaningful job-embedded coaching and are generally of much lesser quality. Whereas the literacy coaches in the comprehensive model lead a cohort of up to 60 teachers, educators completing the blended model (which are not blended at all but are 100% online) will be one of up to 300 participants that their facilitator is charged to support.

The 87<sup>th</sup> Texas Legislature had an opportunity to correct the funding oversight of HB 3 in its passage of HB 1525 and to provide districts a real choice. Because it did not, educators are being required to train themselves, and

being asked to do so in their own time and oftentimes without pay. Although TEA points to several potential funding sources, such as the dyslexia allotment, it is imperative that there be funding to support quality professional development that does not come at the expense of students.

## **HB 4545, RELATING TO ASSESSMENT OF PUBLIC-SCHOOL STUDENTS AND PROVIDING ACCELERATED INSTRUCTION**

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. We understand that the rules have not yet been adopted, but TSTA submitted comments and appreciate the opportunity to share our concerns with the House Committee on Public Education. Overall, we believe 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 are 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 further 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 be involved 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 to plan 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.

## **SB 1716, RELATING TO SUPPLEMENTAL SPECIAL EDUCATION SERVICES AND INSTRUCTIONAL MATERIALS FOR CERTAIN PUBLIC SCHOOL STUDENTS**

*The Admission, Review and Dismissal Committee should offer input into which supplemental services are in the best interest of students*

TSTA provided testimony to both the Senate Education Committee and the House Public Education Committee opposing Senate Bill 1716. Although we support that the bill as passed removed provisions that would have made it a voucher, we still believe the law will cause a disconnect between recommendations made by professional educators that are in the best interest of students and those by for-profit vendors. TSTA made recommendations during rulemaking that we believe would help mitigate this effect, but unfortunately these changes were not adopted.

Admission, Review and Dismissal committees in Texas work collaboratively to determine how to best meet the educational needs of the student and goals of the individualized education plan. **Because SB 1716 allows for educational determinations to be made by non-educators, it is especially critical that the TEA direct ARD committees to offer input into which supplemental services are selected.**

Sec. 29.048 of the law requires ARD committees to develop a special education student's individualized education program (IEP) in compliance with the Individuals with Disabilities Education Act (IDEA) without consideration of any supplemental special education services (SSES) that may be provided under the program under this subchapter. However, the law does not preclude the ARD committee from making recommendations regarding what supplemental services or instructional materials might best complement the school-based services in meeting the educational needs of the student and goals of the IEP.

This same section of the law requires the ARD committee of a student approved for participation in the program to provide parents information regarding the types of SSES available under the program and instructions about how to apply. TSTA believes that proposed §102.1601 (i) *Requirements to provide information* should be amended to clarify that TEA will prepare and make available a standard resource about SSES to ensure that parents receive uniform and consistent information. **The ARD committee should also be required to use this notice document to consider options collaboratively and make recommendations.** Involving professional educators in the selection of SSES will protect against misinformation from for-profit vendors and uninformed bias by non-educators.

§102.1601 (g) (2) *Use of funds* should therefore be amended to read as follows: Supplemental special education materials and services must directly benefit the eligible student's educational needs, as determined by the Admission, Review and Dismissal committee.

TSTA appreciates the opportunity to comment on the proposed rule language for the SSES program. SB 1716 establishes an unfair funding mechanism that puts special interests ahead of students, and we believe these are minor changes that would serve to center education professionals ahead of special interests for the benefit of Texas students.

*TSTA respectfully submits the above comments for consideration and urges the House Committee on Public Education to consider our recommendations. We support quality professional learning opportunities for educators, and we support policies that will ensure access to accelerated and supplemental supports for all students. The 87th Texas Legislature advanced multiple measures that align with these priorities, and we believe our recommendations herein will better enable educators to implement HB 1525, HB 4545 and SB 1716 in ways that center all Texas students.*