



Public Comments on Proposed Amendments to Commissioner's Rules in 19 TAC Chapter 104 February 22, 2022

The Association of Texas Professional Educators (ATPE) submits the following comments on proposed amendments to 19 TAC Rule §104.1001, Accelerated Instruction, Modified Teacher Assignment, and Accelerated Learning Committee.

House Bill (HB) 4545, passed in 2021, requires that students who fail the State of Texas Assessments of Academic Readiness (STAAR) or End-of-Course (EOC) exams be provided supplemental accelerated instruction or assigned a teacher designated under the state's Teacher Incentive Allotment. Accelerated instruction must be provided in addition to all other coursework (and recess) and can be done before or after school or during the summer.

ATPE has received feedback from educators indicating that school districts and charter schools are complying with HB 4545 by involuntarily assigning classroom teachers to provide supplemental accelerated instruction. Although it is ideal to have such instruction provided by a teacher certified in the content area being taught, this interpretation of HB 4545 is increasing the burden on classroom teachers who are already performing at maximum capacity. Furthermore, pandemic-related staff shortages have forced many educators to regularly cover their colleagues' classes in addition to their own, as well as to provide supplemental instruction in subjects outside of their certification areas. Assigning such duties to exhausted teachers negatively affects working conditions and educators' ability to maintain optimal learning environments to the detriment of both teachers and students.

The Legislature contemplated potential staffing challenges when passing HB 4545, which is likely why the bill requires that supplemental instruction be provided by a "person with training in the applicable instructional materials" rather than strictly by a certified teacher. Although the voluntary assignment of an available teacher certified in the subject being tutored is the gold standard for the accelerated instruction requirements of HB 4545, others may be assigned to the role if they have received training in the instructional material.

To provide clarity to districts, ATPE recommends the proposed rule is amended as follows:

- (c) Content and delivery of supplemental accelerated instruction. Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction, including but not limited to certified teachers, and under the oversight of the school district or open-enrollment charter school. Supplemental accelerated instruction shall be provided as outlined in TEC, §28.0211(a-4)(2)-(5) and (8), to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group.

ATPE believes this change will alleviate confusion over whether the person providing supplemental accelerated instruction must be a classroom teacher, putting districts more at ease in their staffing decisions to fulfill the requirements of HB 4545. ATPE appreciates the agency's consideration of our feedback. For additional information, contact ATPE Governmental Relations at government@atpe.org or (512) 467-0071.