



Input on HB 1605 Implementation

Regarding High Quality Instructional Materials (HQIM)

August 12, 2024

The **Association of Texas Professional Educators (ATPE)** offers the following input on the implementation of HB 1605 from the 88th legislative session.

Impact on the State Board for Educator Certification rewrite of Teacher Pedagogy Standards

The State Board for Educator Certification is currently rewriting the Teacher Pedagogy Standards. These standards are the fundamental basis for what teacher candidates will learn from their Educator Preparation Programs (EPPs) and what they will eventually be assessed on as they enter the classroom. These standards are vital to the success of new educators and include basic skills needed for successful instruction.

In April, citing HB 1605, TEA staff presented a version of the standards to SBEC that completely removed the concept of “lesson design” from the standards and replaced it with “lesson internalization.” “Lesson design” is a critical concept that involves teaching educator candidates the foundational skill of how to construct and modify a lesson, based on the needs of their students, the standards being taught, and the other variables in their classroom. “Lesson internalization,” the skill that has been proposed to replace “lesson design,” simply requires an educator to memorize pre-selected and pre-designed content. It does not take into account the skills teachers must be taught on construction and modification in order to be able to provide student- or group-level differentiation, nor does it allow for the natural process of live adaptation as students guide discussion during the lesson based on their own insights as they engage with the content. **ATPE is concerned that, in an attempt to push educators toward the use of optional HQIM/OER materials, which their district may or may not even adopt, educator candidates will be hobbled in their ability to provide robust content that is designed to meet the needs of their individual students.** If their district chooses not to adopt HQIM, these educators will be unprepared to design their own lessons. Even if they teach in an HQIM district, they will be left woefully unprepared to modify the content based on student needs as required by law.

TEA staff said the change from “lesson design” to “lesson internalization” was mandated by HB 1605. While SBEC has since directed TEA staff to put lesson design back into the standards, it is clear that confusion remains amongst some TEA staff about what is required in the implementation of HB 1605, what is optional, and what was not contemplated by the bill at all. **Additional clarification to TEA staff regarding the required provisions of the bill would be helpful and could prevent further confusion.**

“With Fidelity” Language

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The "with fidelity" language in HB 1605 serves to narrow rather than expand liability protection for teachers by specifying that educators are only shielded from disciplinary proceedings if they deliver instruction strictly according to the approved instructional materials. This means that if a teacher deviates from the prescribed materials, even slightly, they may not be able to claim immunity against allegations of violating the law. As such, the language effectively tightens the parameters of legal protection for teachers, making them more susceptible to liability if their instruction is perceived as straying from the mandated curriculum, thereby limiting their professional discretion in addressing the diverse needs of their students. In fact, this puts educators who are legally required to modify instruction based on an IEP in an impossible situation, either to ignore special education law or maintain liability protection.

ATPE recommends amending the language of the bill to fix this unintended consequence. To better protect teachers while maintaining the integrity of instructional guidelines, the language in HB 1605 could be revised to emphasize professional discretion and reasonable judgment in instructional delivery. Here is a suggested revision:

"A classroom teacher employed by a school district shall not be subject to disciplinary proceedings if: (1) the teacher utilized approved instructional materials adopted by the district, and (2) the delivery of instruction was consistent with the intended educational outcomes of those materials, allowing for professional discretion in adapting the instruction to meet the diverse needs of students, provided that such adaptations do not fundamentally alter the content or core objectives of the instructional materials."

This revision affirms the use of approved materials while allowing teachers the flexibility to tailor their instruction based on student needs, thus enhancing protection against potential liability.

Additional concerns regarding the implementation of the bill include:

1. Centralized control over curriculum

HB 1605 gives TEA significant authority to develop and distribute incentivized materials for use in public schools. While developed materials are optional and districts must opt in to the program, concern remains that financial incentives and agency pressure to adopt these materials might coerce districts to comply, even if the materials do not best meet the needs of their students or community. While providing districts with a broad list of materials that have been subjected to a quality control process is laudable, it is important that districts have the ability to make the best decisions at a local level for their students and are not unduly pressured to choose a single TEA-developed curriculum option.

2. Uniformity vs. Flexibility

It is important that students across Texas receive a high-quality, consistent education. However, concern remains that a push for uniformity could lead to a one-size-fits-all approach that doesn't account for local, cultural, or other differences. The desire for uniformity could lead to teachers being forced to adopt state-mandated materials over those they believe would be more effective for their students. Students in San Angelo and students in Houston do not have the same needs, and their local school boards and teachers should be able to find the curriculum that best meets their community's needs.

3. Potential Impact on Creativity and Innovation

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Creativity and the ability to innovate are two of the best, most rewarding aspects of teaching, and teachers enjoy the connection and natural student engagement that comes from developing and delivering a high-quality lesson that captures student attention. While new and inexperienced teachers likely benefit from the availability of more vetted turnkey resources, it is important that they not be allowed to become a crutch, which stunts the growth of newer teachers becoming fully realized education professionals. Similarly, experienced teachers who have already mastered their craft should be allowed to use their own professional discretion on how to best use the materials at their disposal to deliver the most engaging content to their students, so long as they meet district and state standards.

By excessively standardizing instructional materials and their use and placing emphasis on lesson internalization over lesson design, there is a concern that the creativity and innovation of Texas teachers could be stifled. Teachers required to adhere to state-approved materials may feel less motivated to develop new teaching methods, invest in their own professional growth and development, or explore diverse perspectives in their lessons. With teachers leaving the classroom at record levels, we cannot afford to stifle teacher creativity and innovation and take away one of the most enjoyable aspects of being a teacher.

4. Financial Pressure on Districts

Despite districts being able to opt out of using HQIM, given the current state of education funding in Texas, many will feel pressured to opt in, whether they feel the materials are the best choice for their districts or not. Once districts have adopted the curriculum, it is likely they will pressure their teachers to adopt it, even if those teachers are experienced and highly qualified.

For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.