

House Bill 4545 Frequently Asked Questions

General House Bill (HB) 4545 Questions:

1. What is the implementation timeline for HB 4545?

HB 4545 is effective immediately starting June 16, 2021, and it applies to accelerated instruction required for or delivered during the 2021-2022 school year. LEAs should evaluate spring 2021 STAAR scores to identify students requiring accelerated instruction in the 2021-2022 school year. LEAs must, as soon as practicable (i.e., over the summer), adopt policies for contesting the content or implementation of educational plans developed by accelerated learning committees.

For school year 2021-2022:

Accelerated instruction: For any student who did not pass STAAR grades 3-8 or EOC assessments, accelerated instruction must be delivered in the 2021-2022 school year (starting in fall 2021) or subsequent summer 2022. Accelerated instruction entails either 1) assigning a classroom teacher who is a certified master, exemplary, or recognized teacher, or 2) delivering supplemental instruction (i.e., tutoring) before or after school, or embedded in the school day and meeting HB 4545 requirements.

Accelerated instruction delivered in summer 2021 will only satisfy the HB 4545 requirements if the criteria for accelerated instruction were met (see answer to Question 4 below).

Accelerated Learning Committees (ALC): LEAs are required to establish accelerated learning committees (ALCs) for students who did not pass a STAAR test in grade 3, 5, or 8 math or reading beginning at the start of the 2021-2022 school year, in August. However, LEAs may find it beneficial to start establishing these committees and developing individual student plans in summer 2021 for two reasons:

- Completing this work in the summer will position LEAs to start implementing plans at the start of the school year.
- Under HB 4545, parents have the right to request a different teacher. Establishing the ALC in the summer would provide a window of opportunity to address in advance parent requests for different teachers and manage staffing and scheduling accordingly.

For school year 2022-2023 and beyond:

Accelerated instruction: The above guidance for accelerated instruction continues to apply in subsequent school years.

Accelerated Learning Committees: Starting summer 2022, LEAs must establish ALCs and develop individual student plans during the summer and prior to the start of the school year, based on the latest STAAR results.

UPDATED
7/15/2020

2. How should we categorize students who did not take the STAAR test in the spring? Should they automatically be categorized as a student requiring accelerated instruction?

Prior law required LEAs to provide accelerated instruction to any student who does not perform satisfactorily (i.e., achieves “Approaches Grade Level” or above) on a STAAR assessment. These requirements are included in the following sections of the Texas Education Code (TEC): §§28.0211, 28.0213, 28.0217, 29.081, and 39.025. This part of the law was not changed. 19 TAC §101.2005(c) indicates that students who are absent or otherwise do not have valid assessments did not perform satisfactorily and, as a result, are required to receive accelerated instruction.

However, Commissioner and Gubernatorial waivers offered during the 2020-21 school year altered the assessment requirement framework for that year. As a result, school systems may decide to administer an assessment designed to show grade level proficiency on the TEKS (e.g., the state provided Beginning-of-Year Assessments) for students who did not participate in state assessments during the 2021-22 school year. School systems must determine the TEKS-aligned assessment that they will use and will review and determine locally if the assessment shows the student achieved satisfactory performance and if accelerated instruction during the 2021-22 school year is required. Note: parents who think their students would still benefit from accelerated instruction should have the option to appeal this decision if they disagree with the school system’s determination.

NEW
7/15/2021

3. Does the LEA need to use the spring STAAR results or may the LEA administer a beginning of year assessment aligned to the TEKS to determine placement for accelerated instruction?

LEAs are required to use the 2021 STAAR results unless a student did not participate in the assessment. For students who did not participate in the assessment, as noted in question #2 above, students would be required to receive accelerated instruction, with an exception being available solely for accelerated instruction provided during the 2021-22 school year.

For the 2021-22 school year, for students who did not participate in Spring 2021 STAAR, school systems may administer an assessment designed to show grade level proficiency on the TEKS (e.g., the state provided Beginning-of-Year Assessments). If the school system determines that the assessment shows the student achieved satisfactory performance, school systems may decide locally as to whether the student must be given accelerated instruction during the 2021-22 school year. Note: parents who think their students would still benefit from accelerated instruction should have the option to appeal this decision if they disagree with the school system’s determination.

NEW
7/15/2021

4. Can TEA tell me if an assessment meets the requirements of “an assessment designed to show grade level proficiency on the TEKS”?

TEA will not be providing an approved list of specific assessments or assessment products. It is up to the district to determine whether an assessment is designed to show grade level proficiency on the TEKS. We recommend districts use the state provided Beginning-of-Year Assessments as they are TEKS-aligned assessments.

NEW
7/15/2021

5. What is considered performing satisfactorily (passing)?

Students who have performed satisfactorily on the STAAR achieved *Approaches Grade Level*, *Meets Grade Level*, or *Masters Grade Level*. Students who did not perform satisfactorily on STAAR achieved *Did Not Meet Grade Level* or did not test.

6. We believe our LEA delivered / will deliver sufficient accelerated instruction in summer 2021. How do we determine whether that accelerated instruction meets HB 4545 requirements for SY21-22?

Accelerated instruction delivered in summer 2021 will only satisfy the HB 4545 requirement if the instruction:

- Delivers targeted Texas Essential Knowledge and Skills (TEKS)-aligned instruction for the applicable grade level and subject area(s)
- Is provided for no less than 30 hours total
- If a student does not pass the mathematics or reading STAAR, 30 hours of accelerated instruction must be provided for each subject area.
- Is designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area(s)
- Utilizes effective instructional materials designed for supplemental instruction
- Is delivered in a 1-on-1 or small group environment, with no more than 3 students in a small group (or in a larger ratio with permission from all parents or guardians connected to students in the group)
- Is provided by an individual with training in aligned instructional materials and under the LEA's oversight
- To the extent possible, is provided by one person for the entirety of the student's supplemental instruction period

NEW
7/15/2021

7. What is the definition of a “week” in reference to HB 4545? For example, if our calendar has us getting out of school on a Tuesday for Thanksgiving or returning on a Tuesday or Wednesday from Christmas, do we have to provide time for remediation during those weeks?

19 Texas Administrative Code (TAC) §76.1001(b) (re: extracurricular activities) defines "school week" as " ...beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. The agency will be proposing rule to provide an exemption to supplemental instruction if the week is three or fewer days.

NEW
7/15/2021

8. If the student passes a STAAR EOC after retesting can accelerated instruction stop?

Yes, once a student passes a STAAR EOC assessment, they no longer show significant areas of academic weakness and no longer need accelerated instruction.

9. When is the parent right to request a teacher effective?

HB 4545 establishes that parents/guardians of students who fail to perform satisfactorily on applicable assessment instruments have the right to request (with no concurrent right to have such requests granted) that their students be assigned to particular teachers. To better manage staffing and scheduling in advance of the start of the school year, TEA recommends that LEAs offer parents/guardians the opportunity to request a different teacher over the summer.

10. Do the accelerated learning committees apply in addition to Admission, Review, and Dismissal (ARD) committees or do the ARD committees create the plan?

The ARD committee acts as the accelerated learning committee for students in grades 3, 5, and 8 receiving special education services. The ARD committee must meet to address the student's need for accelerated learning, and for students in special education the Individual Education Plan (IEP) effectively replaces the accelerated learning plan required in HB 4545. An accelerated learning committee would need to be established for other students in grades 3, 5, and 8 who do not pass STAAR mathematics or reading assessments.

11. Does the TEA have guidance and examples to guide our implementation of Accelerated Learning Committees and new board policy regarding parent grievances?

The TEA will release these resources by August 2021.

NEW
7/15/2021

12. In regards to parent communication, will the state provide template letters for STAAR failures? In the past, we had template letters for SSI grades for 4/7 and 5/8.

Additional resources will be released by August 2021 and will include parent communication templates.

NEW
7/15/2021

13. Will we have to notify parents of any failures in STAAR grades 3-8?

Although the specific notice requirement in TEC §28.0211(d) was repealed, LEAs are still required to notify the parent or guardian of each student of STAAR test results.

Accelerated Learning Committees:

NEW
7/15/2021

14. Do we still need a plan for accelerated learning committees, specific teacher requests, or accelerated instruction if we are a small district with one teacher per grade level?

Yes, plans for accelerated learning committees are required for all students who do not perform satisfactorily in reading or math in grades 3, 5, or 8. Accelerated instruction also applies to all districts each time a student fails to perform satisfactorily on an assessment instrument in third, fourth, fifth, sixth, seventh, or eighth grade or in high school.

In cases like this, where there is only one teacher per grade level, HB 4545 provisions allowing for a parent to request a specific teacher would be moot.

NEW
7/15/2021

15. Can the Accelerated Learning Committee meeting be held if the parents do not attend or may it be completed by phone or Zoom?

LEAs must make attempts to accommodate parents and guardians to participate in ALC meetings. This is included, but not limited to, offering virtual participation (i.e. zoom, skype, phone). If the parent is absent from a scheduled meeting then the information decided in the meeting will need to be shared with the parents/guardians.

NEW
7/15/2021

16. Does STAAR Alternate 2 have the same requirements for Accelerated Learning Committees in grades 3, 5, and 8?

An Accelerated Learning Committee is required for any student in grade 3, 5, or 8 who does not pass the mathematics or reading assessments required under TEC §39.023. This includes STAAR, STAAR Spanish, and STAAR Alternate 2. The ARD committee acts as the accelerated learning committee for students in grades 3, 5, and 8 receiving special education services. The ARD committee must meet to address the student's need for accelerated learning, and for students in special education the Individual Education Plan (IEP) effectively replaces the accelerated learning plan required in HB 4545.

NEW
7/15/2021

17. Does the Accelerated learning Committee replace the required Personal Graduation Plan?

The Accelerated Learning Committee only replaces the Grade Placement committee and does not have an impact on the Personal Graduation Plan.

NEW
7/15/2021

- 18. How does the 5th grade and 8th grade Accelerated Learning Committee develop a plan for the student transitioning to the secondary campus? Should the secondary teachers be part of the ALC?**

Statute requires that the committee include the teacher of the subject that the student failed. It is recommended that the receiving content teacher also participate on the Accelerated Learning Committee as the education plan is developed.

NEW
7/15/2021

- 19. Can you clarify "The teacher of the subject of an assessment on which the student failed to pass?" Is it the current teacher or the receiving teacher or both?**

"The teacher of the subject of an assessment which the student failed to pass" is the teacher of that content. If a 3rd grade student does not perform satisfactorily on the reading assessment, the current 3rd grade reading teacher is the teacher of the subject. The 3rd grade teacher and the receiving 4th grade teacher may both serve on the Accelerated Learning Committee to develop a plan for the student, and in most cases both teachers should be involved to ensure an effective plan is developed.

Accelerated and Supplemental Instruction/Tutoring Questions:

NEW
7/15/2021

- 20. Is accelerated instruction for first-time STAAR EOC assessment testers or does it include students who have taken the STAAR multiple times?**

Accelerated instruction is required any time a student does not pass a STAAR EOC assessment. This includes first-time testers, as well as re-testers. Specifically, TEC §28.0217 states: "Each time a student fails to perform satisfactorily" accelerated instruction is required.

NEW
7/15/2021

- 21. If a student completes fewer than 30 hours of supplemental instruction in the summer program, may they make up the difference in the fall?**

Yes, per TEC, §28.0211(a-4)(3), supplemental instruction need not be provided fully during the summer. In the subsequent year, the delivery of supplemental instruction will have additional requirements such as supplemental instruction must be provided no less than once per week. For example, a student who completes 20 hours of supplemental instruction in the summer must complete the remaining 10 hours during the year, with instruction no less than once per week. (Note: Only the hours of instruction provided in the summer that meet the requirements of supplemental instruction can count toward the total). The student cannot be removed from the foundational or enrichment curriculum; accelerated instruction provided in the following school year may require participation of the student before or after normal school hours.

22. At what frequency does tutoring have to be conducted to meet HB 4545 requirements?

If delivered in the summer, tutoring simply has to meet the threshold of 30 hours total set in HB 4545. If delivered during the normal school operational days during the 2021-2022 school year, tutoring must be delivered at least weekly and also meet the threshold of a minimum 30 hours total. Note, this requirement applies per subject for which the student did not perform satisfactorily. For example, students who did not pass STAAR in both reading and math would be required to have 60 hours of accelerated instruction.

23. Does an LEA need permission from parents if tutoring will be delivered in a tutor-to-student ratio greater than 1:3?

Yes, LEAs must seek written permission from parents in advance of tutoring delivery if the tutoring will be delivered in a ratio greater than 1:3. For tutoring delivered in fall 2021, this permission must be on file in early August 2021. This written permission would need to be obtained for all students in a particular group, as all would be in a group larger than 3.

Permission to go beyond 1:3 must only be obtained from the student's parent or guardian. Waivers for this provision from TEA are not available.

24. Will the TEA's pre-approved tutor provider list provide options for rural areas?

Yes, TEA is currently planning to provide pre-approved tutor provider coverage across Texas regions, including rural areas. Please note that LEAs are also able to select tutor providers that are not on the TEA's pre-approved tutor provider list; the list is simply one source of vetted tutor providers who will deliver tutoring in alignment with HB 4545 requirements. The list will include a mix of in-person and virtual tutoring options.

25. Does tutoring have to be provided this fall as part of HB 4545?

The accelerated instruction changes from HB 4545 apply to accelerated instruction provided for the 2021-2022 school year. LEAs should use the spring 2021 STAAR results to determine and plan for accelerated instruction for all students who need it. This accelerated instruction must include tutoring, unless LEAs provide students with a master, exemplary, or recognized teacher.

26. Can you choose an online program in place of a tutor?

Tutoring can be delivered using an online program either in person or virtually. However, the online program must be facilitated by a tutor that meets the requirements defined in the statute, including that the tutor has received training in alignment with the instructional materials, that the same tutor is assigned to the student for the duration of the supplemental instruction when possible, and that the tutoring is delivered in a 1-on-1 or small group with no

more than three students in the group. The statute does not require that the tutor be a teacher, and research shows that many different tutor types can be successful, such as college students, community volunteers, paraprofessionals, or active or retired teachers, as long as the other elements of high-impact tutoring are met.

27. How can I learn more about how to leverage programs like ST Math for tutoring?

ST Math (and similar programs) provide students with a self-directed learning experience and could be a strong option for tutoring delivery (learn more by clicking the “Grades K-5: Supplemental tab” [HERE](#)). The TEA will provide a webinar later this summer to share guidance on how to effectively leverage ST Math and similar programs in their tutoring structures.

Note that, to meet HB 4545 requirements, there must still be a tutor supporting the student who meets the requirements noted in Question 5.

28. How can I learn more about how to stand up an effective tutoring program?

The TEA has released a webinar series, an implementation toolkit, and a workshops series opportunity to support LEAs in standing up an effective tutoring program. You can find these resources on TEA’s [Tutoring page](#).

29. Because tutoring requirements are now in state law, will we be able to use Title I, Part A funds to fund tutoring in the future?

Yes. While Title I, Part A funding must be supplemental to the campus, it does not require the activity to be supplemental as long as the LEA’s required federal Supplement, Not Supplant Methodology has been approved by the LEA leadership and is being implemented consistently by the LEA. The methodology defines how state and local funds are allocated among campuses within the LEA and demonstrates the Title I, Part A funding is supplemental to the campus after it has received its equitable allocation of state and local funds. For more information, see the federal Supplement, Not Supplant [Handbook](#).

30. How do we find time to provide the required tutoring to students if we can’t take them out of regular instruction, recess, or enrichment time? Where can I get support in this area?

The TEA recommends following these best practices in master scheduling:

- Identify scheduling priorities first and make those non-negotiable.
- Consider innovative solutions like adjusting blocking, rotations, time before or after school, and innovative models (e.g., blended learning) to achieve priorities.
- To the extent possible, consider extending the school day or school year to create more opportunities for tutoring over the course of the year.

- Leverage additional resources (e.g., ESSER funding) to purchase access to time-saving scheduling software to complement and expedite the district scheduling process.
- Plan a second schedule that varies the time allotted for Tier 2 instruction at key intervals (e.g., beginning of year) or plan for schedule revisions over time.

Multiple potential schedule arrangements could meet the HB 4545 requirements. One example is provided below from an LEA participating in Math Innovation Zones that prioritizes an intervention block and leverages blended learning to achieve this priority:

Pre-K	Kinder	1 st Grade	2 nd Grade	3 rd Grade	4 th Grade	5 th Grade
8:15 – 9:00 <small>Opening Routine/ Language Time/ Circle Time - SE</small>	8:15 – 8:55 PE	8:15 – 8:55 Block	8:15 – 9:40 ELAR	8:15 – 9:40 Rotation 1 (Homeroom)	8:15 – 9:35 Rotation 1	8:15 – 9:35 Rotation 1
9:05 – 9:25 Recess	9:00 – 9:40 Block	9:00 – 9:40 PE	9:45 – 10:25 PE	9:45 – 10:25 Block	9:35 – 10:55 Rotation 2	9:35 – 10:55 Rotation 2
9:25-9:40 Potty Break	9:40 – 11:00 ELAR/SS	9:40 – 11:00 ELAR/SS	10:35 – 11:10 Block	10:35 – 11:10 PE	10:55 – 12:15 Rotation 3	10:55 – 12:15 Rotation 3
9:40- 10:30 Literacy Time/Circle Time <small>Content Connections</small>	11:00 – 11:30 Lunch	11:00 – 11:30 Lunch	11:10 – 11:40 ELAR	11:10 – 11:40 Rotation 1 Cont.	12:15-12:45 Lunch	12:15-12:45 Lunch
10:30 – 10:45 Handwashing/Read Aloud	11:30 – 12:15 ELAR/SS	11:30 – 12:00 Intervention/Math Centers	11:40 – 12:10 Lunch	11:40 – 12:10 Lunch	12:50 – 1:25 PE	12:50 – 1:25 Block
10:45 – 11:15 Lunch	12:15- 12:45 Intervention/Math Centers	12:00 – 12:30 ELAR	12:15 – 12:45 Intervention	12:10- 12:40 Intervention	1:30 – 2:10 Block	1:30 – 2:10 PE
11:20- 12:00 PE	12:50 – 1:10 Recess	12:30 – 12:50 Recess	12:45 – 2:00 Math	12:40- 2:20 Rotation 2	2:15 – 2:45 Intervention	2:15 – 2:45 Intervention
12:00 – 1:00 – Rest Time	1:10- 2:20 Math	12:50 – 2:15 Math	2:00 – 2:20 Recess	2:20 – 2:40 Recess	2:45 – 3:15 Dismissal	2:45 – 3:15 Dismissal
1:00 – 1:20 – Center Time/ Small Group	2:20- 2:45 Science	2:15 – 2:40 Science	2:20 – 2:45 Science	2:45 – 3:15 Dismissal	*Recess/Brain Breaks given in the classroom	*Recess/Brain Breaks given in the classroom
1:20 – 2:05 – Snack Time/ Movement/ Math Time	2:45- 3:15 Dismissal	2:45 – 3:15 Dismissal	2:45 – 3:15 Dismissal			
2:05 – 2:45 Center Time						

An additional example is provided below from a Spring ISD middle school:

Spring ISD Middle School 2020-2021

6th Grade

Red Fill Denotes Intervention Course (Literacy & Numeracy)

	A Day	A Day	A Day	B Day	B Day	B Day	B Day	A/B Day
Room	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 7
ELAR								
	ELAR 1	ELAR 2	ELAR 3	Conference	ELAR 4	ELAR 5	ELAR 6	
	ELAR 7	ELAR 8	ELAR 9	Conference	ELAR 10	ELAR 11	ELAR 12	
	AP 1	AP2	AP3	Conference	ELAR 13	ELAR 14	ELAR 15	
	LIT 1	LIT 2	LIT 3	Conference	LIT 4	LIT 5	LIT 6	
MATH								
1066	AP 1	Conference	AP 2	AP 3	MTH 1	MTH 2	MTH 3	
					CT		CT	
	MTH 4	Conference	MTH 5	MTH 6	MTH 7	MTH 8	MTH 9	
	MTH 10	Conference	MTH 11	MTH 12	MTH 13	MTH 14	MTH 15	
	NUM 1		NUM 2	NUM 3				

The TEA will be providing a webinar series to support LEAs in master scheduling this summer in alignment with HB 4545 requirements. Additionally, TEA offers technical assistance, resources, and tools to support districts in master schedule redesign through initiatives like Math Innovation Zones, Additional Days School Year, THL-aligned supports, the Resilient Schools Support Program, and the School Action Fund.

NEW
7/15/2021

31. If a student fails writing and reading, will they need tutoring for both subjects? Will the time frame be 30 hours for both or may we combine them?

HB 3906, 86th Texas Legislature, eliminated the standalone writing assessments in grades 4 and 7, and, as of September 1, 2021, writing will no longer be assessed separately from reading. Therefore, students who did not perform satisfactorily on their STAAR assessments in reading, writing, or both are only required to receive a combined minimum of 30 hours of accelerated instruction. As with all accelerated instruction, the accelerated instruction should focus on the specific areas of deficiency.

NEW
7/15/2021

32. Can we hire retired teachers on a full-time basis, without penalty to either the district or the employee for tutorial purposes? What sort of documentation would be necessary to prove the retired teacher has been hired for this purpose (i.e., job description)? Can we hire retired teachers to be full-time intervention teachers, without penalty, to serve both students who have not met STAAR requirements along with students presenting other COVID slide issues?

Per Government Code, §824.602(a)(5), as added by HB 1525, 87th Regular Session, 2021, a retired teacher hired as a tutor in a program described by TEC, §33.913, is not subject to withholding of a monthly retirement benefit by the Teachers Retirement System of Texas (TRS). All other questions regarding these retirement-related subjects, including administrative matters, should be addressed to TRS.

Teacher Assignment Questions:

33. If we do not have an approved Teacher Incentive Allotment designation system in our district, is there another way to meet the requirement for assigning students to master, exemplary, or recognized teachers?

In addition to having an approved local optional teacher designation system, districts can also support their teachers in earning designations by helping teachers pursue or complete their National Board certification.

Teachers with an active National Board certification will also earn a recognized designation if they meet the following requirements:

1. They are coded by their employing district as an 087 role ID in TSDS Class Roster-Winter collection
2. They have updated their information to indicate their current district in the [National Board Certified teacher directory](#).

Districts can search for National Board teachers in the [National Board Certified teacher directory](#).

It is also possible that a district without an approved TIA designation system could employ a teacher who received a designation while working in a different district. TIA designations and their expiration date remain on the State Board for Educator Certification virtual certification, even if a teacher transfers between districts.

NEW
7/15/2021

34. How can districts look up which teachers are currently designated?

Districts can confirm that a teacher is currently designated by searching their State Board for Educator Certification [virtual certification](#). Teachers that are currently designated will have their designation and expiration date reflected in the top right corner. Please note that teachers whose expiration dates have passed, will no longer have a designation on their certification.

Designated
MASTER
TEACHER
Through 07/31/2024

Designated
EXEMPLARY
TEACHER
Through 07/31/2024

Designated
RECOGNIZED
TEACHER
Through 07/31/2024

In the future, a list of teachers with designations will also be possible to generate in the ECOS for entities certification report.

Questions regarding the implementation of HB 4545 should be submitted in writing to Accelerated.Instruction@tea.texas.gov. Answers will also be added on a rolling basis to the FAQ document.

NEW
7/15/2021

35. May a district set up their own designation system or does the district need to use the Teacher Incentive Allotment?

A district’s local designation system must be approved by TEA to issue master, exemplary, or recognized designations. Visit www.TIATexas.org for more information.