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**Board of Directors*

March 9, 2022
Superintendent & Strategic Staff Agenda
Hilton Austin Downtown - SALON B | 10:30 a.m. – 1:30 p.m.

10:30 – 10:40 a.m.	Welcome and Opening Remarks <i>Dr. Michael Hinojosa, President</i> <i>Dr. Curtis Culwell, Executive Director</i>
10:40 – 11:00 a.m.	Election Results <i>David Anderson, Todd Webster, Kate Kuhlmann, HillCo Partners and Eric Bearse, Catherine Frazier, Clout Public Affairs</i>
11:00 – 12:30 p.m.	Legislative Goal Setting <i>Dr. Michael Hinojosa, President</i>
12:30 – 1:00 p.m.	Lunch
1:00 – 1:30 p.m.	Consultant Reports: Assessment & Accountability Update <i>Dee Carney, HillCo Partners</i> Federal Update <i>David Thompson, Chris Borreca, Thompson & Horton</i> School Finance Update <i>Tracy Ginsburg, Amanda Brownson, Janet Spurgin, TASBO</i>
1:30 p.m.	Adjourn



SAVE THE DATES: TSA Strategic Staff – April 6 ZOOM

TSA Supt & Strategic Staff Meeting – April 13 ZOOM

In-Person TSA Meeting (location TBD) – May 11



**Public Comments on Proposed New 19 TAC, Chapter 104, §104.1001, Accelerated Instruction, Modified Teacher Assignment, and Accelerated Learning Committee
Submitted, February 21, 2022**

Representatives of the Texas Association of School Administrators (TASA), the Texas Association of School Business Officials (TASBO), the Texas School Alliance (TSA), and the Texas Association of School Boards (TASB) appreciate the opportunity to comment on the proposed new section of 19 TAC, Chapter 104, §104.1001 concerning accelerated instruction and implementation of HB 4545, 87th Texas Legislature. Our comments are as follows:

Proposed 19 TAC, Chapter 104, §104.1001

Concerns:

TEC §28.0211(k) allows but does not require, the commissioner to adopt rules for this section of code. Our organizations appreciate that the agency has not proceeded with rule adoption until this time. However, the current climate in which school districts are facing an unprecedented staff shortage, while teachers are out due to COVID-related issues and are leaving the profession altogether leaves the state in a crisis mode. The feasibility of implementing the stringent requirements of HB 4545 during the staffing crisis, especially those that mandate low teacher to student ratios is highly unlikely, even with the temporary federal COVID-19 relief funding.

Recommendations:

Texas Education Code does not require the commissioner to adopt rules for this section, and the state is relying on federal COVID-19 relief funding (which will expire) for school districts to implement this state statute. We recommend that the agency withdraw proposed 19 TAC, Chapter 104, §104.1001 and allow the state time to address the teacher shortage crisis during the interim and during the 88th Texas Legislature before proceeding with aspects of HB 4545 that are not currently attainable.

Fiscal Impact

Concerns:

It is stated in the fiscal impact section that there will be no fiscal impact to school districts. This statement of negative fiscal impact does not account for:

- The COVID-19 relief funding referenced in HB 4545 to use for the new supplemental instruction requirements will not be available in perpetuity, and districts had widely varying access to those funds in terms of the amount of funding.
- The cost of transportation for the accelerated instruction that must be provided during the summer, and before and after the school day hours due to new limitations on when the instruction can be provided per HB 4545.
- The cost of recruiting and hiring tutors outside of the school district during the dearth of teachers available to provide the supplemental instruction with the 3:1 student to teacher ratio requirement.
- The loss of the Student Success Initiative Rider funding for accelerated instruction which the state had provided for over a decade.

Recommendations:

- Acknowledge in the fiscal impact statement that there are negative fiscal implications for school districts as many of the requirements are not funded by the state and will be funded at the district level once the federal dollars run out.
- Acknowledge in the government growth impact statement that the state will need to allocate funds for the accelerated and supplemental instruction requirements in the future as the federal COVID-19 relief funds for supplemental instruction will expire, and state funds for the accelerated instruction requirements are no longer provided (SSI Rider).
- Clearly state in TAC that once a district's COVID-19 relief funds have been expended, the requirements to provide each of the supplemental instruction requirements no longer applies e.g., the 30 hours and 3 to 1 ratio as HB 4545 specifies these provisions only apply to districts receiving the federal funding.
- Clearly state in TAC that a district who did not receive COVID-19 relief funding is not subject to the supplemental instruction requirements.

Conflates Terms in Statute

Concerns:

The proposed rules conflate "supplemental" with "accelerated" instruction by introducing the term "supplemental accelerated instruction." This terminology is confusing and does not clarify statute.

Recommendations:

Align rule language with statutory language to avoid confusion. HB 4545 differentiates between the requirements for accelerated instruction versus supplemental instruction, but the proposed rules imply they are the same. Include rule language that specifies supplemental instruction requirements are only applicable to school districts receiving COVID-19 relief funds and those requirements expire when the federal funds are no longer available.

We appreciate the agency's considerations of our public comments.

Respectfully,

Casey McCreary Ed.D.
Associate Executive Director, Education Policy
Texas Association of School Administrators

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Associate Executive Director of Policy & Research
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Executive Director
Texas School Alliance

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Assistant Director, Governmental Relations
Texas Association of School Boards



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MORE FROM HOMEPAGE

Frigid temps, freezing rain continue; winter storm relief expected for D-FW by Thursday evening

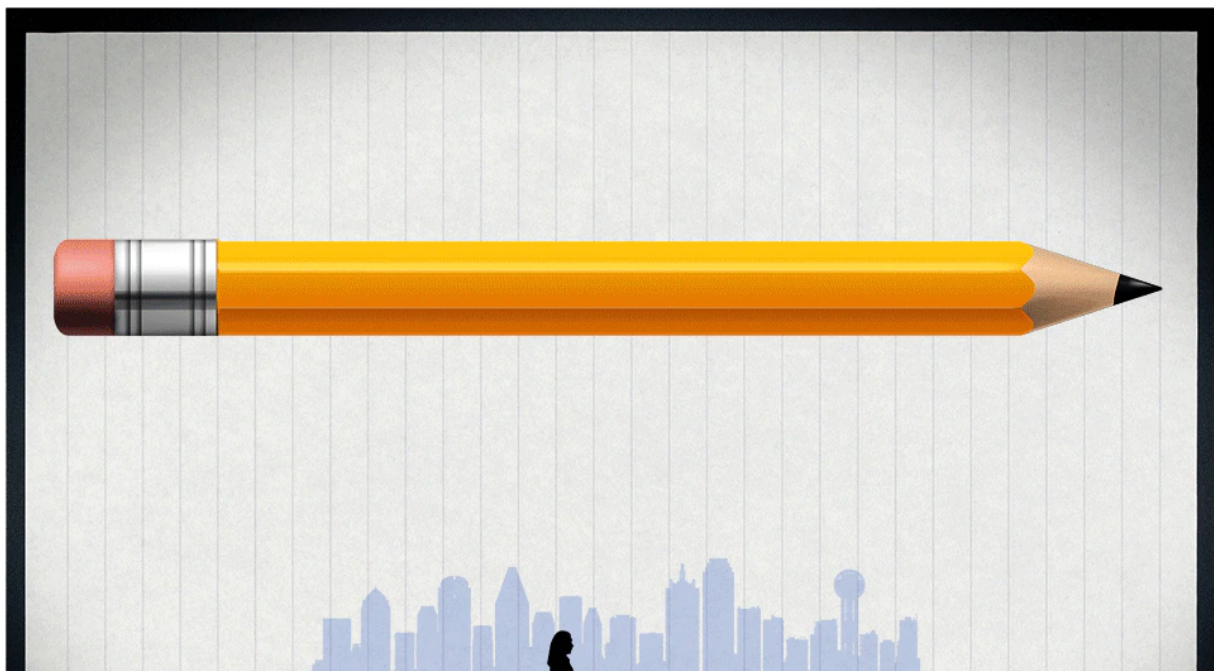
What you need to know about Thursday's winter weather: freezing rain, school closings, icy roads

Dallas DA John Creuzot bucks Abbott, Paxton and declines to prosecute families for trans youth care

NEWS > EDUCATION

Texas requires tutoring for kids failing STAAR. But here's why students might not get it

'It's physically impossible' for districts to meet the new state law.





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A new law essentially requires schools to provide at least 30 hours of tutoring in each subject that a student failed or missed on state exams, but many school leaders worry they can't meet the requirements. (Michael Hogue)



By [Emily Donaldson](#) and [Talia Richman](#)

6:30 AM on Feb 23, 2022



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Staff shortages and scheduling complications threaten to derail Texas' major push to catch up students who fell behind during the pandemic.

A new law – approved by state legislators last year – essentially requires schools to provide at least 30 hours of tutoring in each subject that a student failed or missed on state exams.

Texas had **more than 2 million failed exams among elementary and middle schoolers**. Some students may have failed multiple tests and even more did not sit for the State of Texas Assessments of Academic Readiness, or STAAR.



EDUCATION

Nearly 4 out of 10 Texas students failed state math exams in 2021

Learning loss was steepest in districts with a higher percentage of virtual learning

BY EMILY DONALDSON AND CORBETT SMITH

Districts **drew from billions in federal pandemic aid** to hire tutors in a competitive job market and reworked their calendars to accommodate extra



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intervention time. And even in districts determined to follow the letter of the law, officials aren't sure the prescriptive statewide approach is best for children facing immense learning loss.

"It's physically impossible for us to meet the requirements of [the law] under the current model," Dallas Superintendent Michael Hinojosa said.

DISD won't be able to meet the law's requirements by the end of the school year, but he doubts others will either, the superintendent stressed.

Some legislators didn't expect schools to fulfill the law this year given the pressures of the pandemic. Rep. Dan Huberty, R-Kingwood, attempted to lessen the requirements during a special legislative session, but his proposal didn't receive traction.

"We're asking them to do the best they can," he said, noting that the Legislature will likely study the issue in the coming months so lawmakers can tweak the bill in 2023.

The Texas Education Agency backed off full enforcement as well, **telling districts** that officials don't plan to strictly enforce compliance in this first year "as long as districts are making reasonable efforts to meet the requirements and there is no evidence of willful non-compliance."

Agency spokesman Frank Ward acknowledged the potential impact of students not getting the mandated tutoring.

"This would mean that students entitled to vitally important supplemental instruction may not be prepared to engage and be successful with grade level material now and in the future," he wrote in an email.

Stringent state guidance has districts scrambling to fulfill required administrative tasks on top of other challenges as they face their third school year impacted by



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thought behind [the law] was a good thought. But when you put all these rules and one way of doing it when you're in this state, it's not going to meet everything."

For example, if an eighth grade student failed or missed all four STAAR exams, he could be looking at 120 hours of tutoring.

Rep. Harold Dutton, D-Houston, author of the legislation's provisions that Texas' schools are struggling to fulfill, acknowledged the challenges districts are facing. But the lawmaker cautioned against giving up on fulfilling any of the mandates of his House Bill 4545.

"I hope it engenders a conversation about how we go about improving public education not only for all children but children who are at the bottom," he said. "We have to recognize that we don't have any choice but to get them off the bottom, and it's to our benefit to do that."

Not enough tutors or time

When Dallas officials **first estimated it would take 1,800 openings to staff the district's ambitious tutoring plan**, families and community members began to realize the enormous effort needed to tackle pandemic learning loss.

But the total number of tutors needed in DISD is larger than even those eye-popping projections, said Derek Little, the district's deputy chief of teaching and learning. In the months since DISD started planning its tutoring program, the district discovered how challenging it was to both find enough tutors and time to get students their required intervention.



EDUCATION



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BY TALIA RICHMAN

“Hiring in general, not just for tutors, but for anything in education, and beyond education, is super challenging right now,” Little said.

Schools across the region are struggling to find enough people to teach, drive buses and sub-in for those who fall ill. Some campuses had to briefly shut down earlier this year because of staffing issues.

As a result, the district has offered three ways to match campuses with tutors: Principals can choose to partner with a vendor who may bring in tutors from across the country to work with students virtually; use district staff; or tap a local community organization.

Some teachers also put in extra time tutoring their own students, said Shannon Trejo, the district’s chief academic officer.

Even with so many hands helping out, finding time to get all students their required interventions is a struggle. Research shows that tutoring during the school day works best, but the law limits when students can be pulled out of classes.

For instance, students can’t be pulled from recess, core instruction or extracurricular courses. It’s easier to manage the limitations at an elementary level, Little said, because the blocks of classes are longer.

So if there’s not enough time to fit in tutoring during the school day, some students are having to choose between attending band or football practice and going to tutoring after school, he added.

DISD will continue tutoring into this summer, although the number of students who will get served out of the 40,000-plus group required to receive intervention



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mind when choosing who gets access to limited resources.

This is the right approach, Huberty said. **The retiring lawmaker** encouraged districts pressed to reach each student in need to focus on reading interventions, followed by math, with emphasis on the children who are the most behind.



EDUCATION

Retirements of key Texas lawmakers leave void in education policy expertise, advocates say

BY EMILY DONALDSON

In Cedar Hill, schools use “Longhorn Time” – a roughly 45 minute to an hour block during the school day – to do learning interventions. The district is leaning on retired educators to drill down on students’ individual needs, but it’s difficult to meet the three-to-one ratio set out in the law.

“Some of the parameters that have been placed here make it almost impossible for school districts to implement,” assistant superintendent Shemeka Millner-Williams said.

Still, educators know individualized attention can make a difference and is an important tool for combatting learning loss so they are doing what they can to tutor kids who need the extra help.

“I do feel like tutoring has helped move some of our kids who are in those lower two tiers of instruction back to a more grade level-like performance,” she said.

Looking ahead



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Huberty said this will give school leaders a chance to provide input on how to make the law better.

In Frisco – a high-performing district – officials want the flexibility to put together individualized plans based on their own community needs.

“Our concern is that the rules, the logistics, the compliance pieces put in place, put an overburden on the system with what the teachers have to do,” chief academic officer Wes Cunningham said. “The meetings that have to take place, the 30 hours that are mandated. Why 30 hours?”

The method for identifying children in need of tutoring also complicates matters. Districts were required to administer the STAAR test in-person last year, even as many children remained in virtual learning.

About 7% of Frisco students did not take tests, which could have automatically triggered the additional tutoring.

“Some of the kids may have needed the accelerated instruction. Some of those students may have been performing fairly well,” said Gary Nye, Frisco’s assessment and accountability director.



EDUCATION

Tutoring is key to helping students recover from ‘COVID-slide.’ How can Texas school maximize it?

Education leaders in Dallas, and across the state, see tutoring as a key part of their long-term strategy for catching students up after the pandemic.

BY TALIA RICHMAN

Frisco administered a second set of tests for some students to identify which children were on grade level and could sidestep the 30-hour requirements. But



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lawmakers study how to do required tutoring at the high school level. Those students take end-of-course tests and could pass the class and move on to a new subject even if they failed STAAR.

“If I’m in a geometry course and you’re still providing me tutoring for algebra, it’s just a bit disjointed,” Little said.

There’s also a need to explore additional resources for tutoring Spanish-speaking students, the DISD administrator said. Roughly one in five Texas students are learning English as a language in public schools.

Despite the obstacles, education officials stress the importance of offering tutoring.

“It is top five, one of the best things you can do for students,” Little said. “We believe in it.”

The DMN Education Lab deepens the coverage and conversation about urgent education issues critical to the future of North Texas.

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