



HB 123 by Rep. Harold Dutton

HB 123 as filed by Rep. Harold Dutton, relates to kindergarten readiness, early literacy and numeracy skills, and use of the FSP to support these measures. The provisions also apply to open-enrollment charter schools.

Teacher Literacy Achievement and Reading Intervention Academies

The bill adds “reading intervention” to the statute for the teacher literacy academies (aka reading academies) and removes provisions that require training for teachers of 6th, 7th, and 8th grade students in the administration of a reading assessment instrument for 7th grade students who did not demonstrate proficiency on the 6th grade reading STAAR test.

Early Education Allotment (EEA)

For each student in ADA in grades K-3 a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.11 (currently 0.1 is the multiplier). The allotment must be used to fund the attendance of district employees to the reading or math academies and for PK, and HQPK programs.

Reading Academy Teacher Stipends

A district *is required* to use its Early Education Allotment, or other funds appropriated for this purpose, to pay a stipend to a classroom teacher who provides instruction to students in K-3 and who attends a reading academy. The commissioner is authorized to determine the amount of the stipend. Districts have the option to provide a stipend to a classroom teacher who teaches students above 3rd grade.

HB 123 stipulates that a classroom teacher is *not* eligible for the stipend if the teacher is currently enrolled in an EPP, attends an academy on a day or during hours of service included in the teacher’s contract, or is not approved by the district to attend.

Reading Academy Evaluation

The bill mandates that TEA develop a method to evaluate the academies for effectiveness and requires a school district to provide TEA with any requested information for this purpose.

Reading Intervention Academies

The commissioner is required to develop reading intervention academies for teachers who provide instruction to students who require accelerated instruction in foundational reading skills. The commissioner may establish an advisory board.

Teacher Mathematics Achievement and Interventionist Academies

The bill adds “interventionist” to the provisions for the mathematics achievement academies (aka math academies).

Math Academy Teacher Stipends

The bill mandates that from funds appropriated for that purpose, a classroom teacher is entitled to receive a stipend in the amount determined by the commissioner. Unlike the provisions for the reading academies, the bill does not specify that *the stipend be paid by the school district*.

HB 123 stipulates that a classroom teacher is *not* eligible for a stipend if the teacher is currently enrolled in an EPP, attends an academy on a day or during hours of service included in the teacher's contract, or is not approved by the district to attend.

A district is required to pay for a teacher *to attend* a math academy using its Early Education Allotment or funds appropriated for that purpose.

Math Academy Evaluation

The bill mandates that TEA develop a method to evaluate the academies for effectiveness and requires a school district to provide TEA with any requested information for this purpose.

Mathematics Interventionist Academies

The commissioner is required to develop mathematics interventionist academies for teachers who provide additional support to students who require accelerated instruction in math. The commissioner may establish an advisory board.

Additional Days School Year (ADSY) Planning Grant Program

TEA is required, from money appropriated for this purpose, to establish and administer an ADSY grant program. Funding would be used to provide technical assistance to help a district qualify for the incentive funding.

Funding: ADSY Incentive

Adjustments are made to the provisions governing ADSY incentive funding requiring the commissioner to adjust the ADA funds of a district or charter if:

- The minimum number of instructional minutes is over at least 175 days of instruction (current law is a minimum number of 180 days), and;
- An additional 30 days of half-day instruction is offered for students enrolled in grades PK-8 (current law is grades PK-5).

Requires the commissioner to increase the amount computed by 50 percent for the participating district or charter school that provides at least 200 full days of instruction to students under this subsection.

Compulsory Attendance

The bill mandates that a student enrolled in a district must attend a reading intervention program if assigned under a new section of statute for early literacy intervention.

Kindergarten Reading Diagnosis

HB 123 amends reading diagnosis statute to be specific to kindergarten. The commissioner must adopt a reading instrument (vs. the current requirement to adopt a list of instruments) that a school district shall use to diagnose the foundational literacy skills of kindergarten students. The instrument may include other developmental skills as part of a multi-dimensional tool.

The commissioner is permitted to approve an alternative reading instrument for the foundational literacy skills in kindergarten that meets the same requirements. The bill also requires TEA to ensure at least one of the adopted or approved instruments is available at no cost to districts.

A district must administer the adopted or approved kindergarten reading instrument not later than the 60th day after the beginning of the school year in accordance with policy developed by commissioner rule. The commissioner must also determine the performance on a reading instrument that indicates kindergarten readiness. The ARD committee of a student enrolled in a special education program is authorized to modify student participation in the requirements of this section.

The superintendent of the district is required to report to the commissioner and board of trustees the results of the reading instrument. Also, not later than the 30th calendar day after the results of the reading instrument are available, the superintendent must report the results in writing, or electronically, to a student's parent.

Early Literacy and Numeracy Instruments for Students in K-3

HB 123 introduces new provisions that require the commissioner to adopt a list of reading and math instruments approved or developed by the commissioner to use to diagnose foundational literacy and numeracy skills of students in kindergarten through 3rd grade. Criteria for the instruments is specified e.g., the instrument must be capable of being administered at the beginning, middle and end of a school year.

The commissioner is required to update the list of instruments not less than once every four years, ensure there are multiple options on the list, and develop a process by which a school district may submit an instrument to the commissioner for approval. The commissioner may allow a district to substitute an instrument under certain circumstances. The bill requires the superintendent of each district to report the results of the instruments to certain persons and entities by an established timeline and includes reporting criteria for a student suspected of having dyslexia or a related disorder.

A school district may comply with the requirements of the early literacy and numeracy instrument provisions by using instruments approved by the board of trustees until the commissioner has adopted a list.

Opt-Out Provision for K-3 Early Literacy and Numeracy Instruments

The bill permits a parent or guardian to submit a written "opt out" request to the campus administrator at which their child is enrolled so that the child is not administered a reading or math instrument. A school district is prohibited from encouraging a parent or guardian to opt their child out of the administration of an instrument.

Early Literacy Intervention for Certain Students in K-3

HB 123 establishes that a student whose results on two *consecutive* K-3 early literacy instruments indicate the student is at risk, as determined by the commissioner, of not achieving satisfactory performance, must be provided reading interventions during the *subsequent 12 months*.

The reading interventions must:

- Include targeted instruction
- Occur at a sufficient frequency
- Include effective instructional materials
- Be provided by a person:
 - With training in reading interventions and applicable instructional materials
 - Under the oversight of the school district
- To the extent possible be provided by one person for the entire 12 months
- Meet any additional commissioner requirements

A school district must continue to provide the reading intervention until (1) the student is no longer determined to be at risk, as determined by the commissioner, of not achieving satisfactory performance in foundational literacy on a K-3 reading instrument; or (2) the student begins 4th grade.

A district is prohibited from removing a student from foundation or enrichment curriculum instruction or recess to provide the reading intervention. TEA may approve one or more products that use an automated, computerized, or other augmented method for providing the interventions. Subject to appropriation, TEA must ensure at least one of these products is available at no or reduced cost. A student's ARD committee may modify any reading intervention requirement.

Early Literacy (Reading) Intervention Allotment

The bill introduces a new allotment. Each enrolled student who is receiving reading interventions a district is entitled to an annual allotment of \$250, or a greater amount provided by appropriation. Prohibits a district who receives a Dyslexia Allotment for a student from also receiving funds for that student from this allotment. A district may receive funding for not more than 10 percent of students enrolled in the district in K-3.

Incentive for Additional Instructional Days for Reading Interventions

HB 123 requires the commissioner to adjust the ADA if a district or charter school: (1) does not qualify for ADSY funding; (2) provides the minimum number of instructional and operational time over at least 180 days of instruction; and (3) offers up to an additional 30 days of half-day instruction to students who must be provided reading interventions. The commissioner must increase the ADA by 50 percent of the amount that results from the quotient of the sum of attendance by these students for each of the additional instructional days of half-day instruction that are provided divided by 175.

Opt-Out Provision for K-3 Reading Intervention

The bill permits a parent or guardian to submit a written "opt out" request to the campus administrator of which their child is enrolled so that the child is not subject to the reading intervention. A school district is prohibited from encouraging a parent or guardian to opt their child out of the administration of the reading interventions. A district is not required to comply with the reading intervention requirements until the commissioner adopts the list of K-3 reading and math instruments and designates the first school year that district must comply with the requirements.

Adaptive Vocabulary Assessment for Students in K-3

TEA is required to develop an adaptive vocabulary assessment for student in K-3 and is allowed to use this assessment for students in grades other than K-3. A student's ARD committee may modify any requirement for student participation in the adaptive vocabulary assessment. The commissioner is permitted to adopt rules.

Mathematics Training for Certain Educators and Administrators of Students in K-8

HB 123 introduces new provisions that require each district and charter school, not later than the 2030-2031 school year, to ensure that each classroom teacher who provides math instruction to students in grades K-8, and each principal, assistant principal, math coach, and math interventionist at a campus with a grade in K-8 has attended a math academy. The district or charter school must also ensure that each classroom teacher and principal initially employed at a campus for the 2030-31 school year or subsequent year attend a math academy by the end of the teacher's or principal's first year of placement in that grade level or campus.

TEA is required to monitor the implementation and periodically report to the legislature on the effectiveness of the academies. The commissioner is permitted to adopt rules.

Supplementary Tutoring Supports for Third Grade Reading

The bill introduces new provisions that require the commissioner to establish and administer a tutoring program for students who require accelerated instruction based on the results of their 3rd grade reading STAAR test. A student's parent may purchase, with a grant in an amount determined by TEA, tutoring services from TEA-approved providers.

HB 123 mandates that TEA: (1) maintain a system for which each student is assigned an online account that their parent may access; and (2) implement the program with ease of use for parents and fidelity of spending. The bill allows a student to receive more than one grant and allows TEA to reserve up to five percent of the cost of the grant program for administration purposes. A decision by the commissioner regarding the grant program is final and may not be appealed. The commissioner is required to adopt rules.

A district or charter must still provide accelerated instruction to a student who receives a tutoring grant and shall provide notice to parents of children who are eligible for the grant.

Funding Adjustment: Supplementary Tutoring Supports Grant for Third Grade Reading

A student participating in the grant program is entitled to an amount of \$750. The student may receive only one grant. Beginning with the 2030-31 SY, TEA must reduce the district's entitlement each SY by \$750 for each student who (1) received a grant during the preceding SY and was enrolled in the district from K-3. TEA is required to reduce the amount by \$325

Early Childhood Parental Support Programs

TEA is required to establish a list of programs that provide early childhood parental support and details criteria for the programs.

Funding Adjustment: Early Childhood Parental Support Programs

The bill adds an optional funding adjustment for a district or charter that elects to implement an early childhood parental support program on the list established by TEA. A weight of 0.2 is created with a subsequent reduction of 0.02 for the following five school years.

Pre-K Teacher Requirements

Teachers of entities that a district contracts with to provide prekindergarten instruction must be certified under Chapter 21 to teach prekindergarten or be supervised by a person who meets specific criteria. When appropriate, the teacher must be certified or supervised by a person certified to provide instruction to emergent bilingual students.

Resource Campus

The bill establishes new requirements for a district campus that applies to the commissioner to be designated as a resource campus.

Promotion of OER Instructional Materials

The bill adds new provisions allowing the commissioner to enter into contracts or agreements to promote, market and advertise open education resource instructional materials using appropriated funds.

Local Revenue and Excess of Entitlement

Provisions are included to ensure that certain districts that fall into a gap in the funding formulas as they exit recapture status still receive funding under certain programs such as ADSY, CCMR Outcomes Bonus, and TIA.

Implementation Date

The new provisions of the bill would apply beginning with the 2025-26 school year.