



A. General Accelerated Instruction Questions

1. What are the Accelerated Instruction requirements in Texas?

Texas law requires all students who do not achieve approaches or higher on STAAR grades 3–8 or EOC assessments be provided accelerated instruction. These requirements - modified by HB 4545 (87R) and recently updated with the passage of HB 1416 (88R) - state that qualifying students must be

- *Assigned a TIA-designated teacher for the subsequent school year in the applicable subject area;*
 - *OR*
- *Provided supplemental instruction, in addition to instruction typically provided to students in the grade levels in which they are enrolled and including targeted instruction in the Texas Essential Knowledge and Skills (TEKS) for the applicable grade levels and subject areas, ideally aligned with the research on high impact tutoring in the following manner:*
 - *Supplemental instruction totals to not less than 15 or 30 hours, depending on student performance, provided in the summer or at least once per week during the school year;*
 - *In no more than two subjects per year, prioritizing math and reading language arts (RLA);*
 - *In a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;*
 - *Designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area and includes effective instructional materials designed for supplemental instruction;*
 - *Provided by a person with training in the applicable instructional materials for the supplemental instruction and provided by one person, to the extent possible, for the entirety of the accelerated instruction.*

2. What support is available to my district in implementing accelerated instruction requirements?

TEA will provide accelerated instruction guidance, resources, and example tools from LEAs on the [TEA Accelerated Instruction webpage](#). LEA personnel may reach out to accelerated.instruction@tea.texas.gov with questions or to provide resources which may be hosted on the TEA accelerated instruction webpage as a resource for other LEAs.

3. What are the conditions under which a parent can modify or opt his/her child out of required accelerated instruction?

A parent may elect to modify or remove a requirement for the instruction under these requirements by submitting a written request to the administrator at the campus in which the student is enrolled. In order to request the change in requirements, the student must have been administered and failed to perform satisfactorily on a STAAR assessment or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the subject area and grade level in which the student failed to perform satisfactorily. An LEA may select a beginning-of-year assessment designed to show grade level proficiency on the TEKS as the selected beginning-of-year assessment. A student who does not have a failed STAAR assessment must be administered a beginning-of-year assessment for a parent to be able to opt out of requirements.

4. Are students who did not receive a STAAR score due to a district test administration error required to receive accelerated instruction? If so, can the parent opt the student out of accelerated instruction?
Accelerated instruction is required for this student because HB 1416 did not amend Texas Education Code (TEC), Sec. 28.0211, to eliminate the existing requirement that a student who does not receive a STAAR score (due to absence, mistake, etc.) must receive accelerated instruction. A parent of a student who failed to perform satisfactorily due to a test administration error may opt out of accelerated instruction requirements only if the student has been administered a beginning-of-year assessment.
5. Can a local educational agency (LEA) waive accelerated instruction ratio requirements through the use of an approved automated supplemental instruction product? If so, when will the approved products be identified and the waiver be available?
An LEA can waive accelerated instruction ratio requirements by using an approved automated supplemental instruction product. TEA will develop and conduct an approval process for automated supplemental instruction products beginning in the fall of 2023. The approved products will be identified in spring of 2024. The waiving of tutoring ratio requirements by using an approved product will not be an option for the 2023-2024 school year.
6. TEC, §28.0213, requires an intensive program of instruction (IPI) be developed when a student does not perform satisfactorily on STAAR or when a LEA determines that a student is not likely to graduate before the fifth year in high school. With the accelerated instruction requirements in §28.0211, modified by HB 1416 (88R), what is the expectation for an IPI?
The agency has released the following guidance on expectations for intensive programs of instruction:
[Minimum Middle/Junior High School Personal Graduation Plan \(PGP\) Standards and Guidance Associated with Intensive Programs of Instruction \(IPI\) \(texas.gov\)](#)

This document can also be found on the [TEA Learning Support page](#).
7. TEC, §28.0212, requires a personal graduation plan (PGP) be developed when a junior high or middle school student does not perform satisfactorily on STAAR or when an LEA determines that the student is not likely to graduate before the fifth year in high school. With the accelerated instruction requirements in §28.0211, modified by HB 1416, what is the expectation for a PGP?
The agency has released the following guidance on personal graduation plans:
[Minimum Middle/Junior High School Personal Graduation Plan \(PGP\) Standards and Guidance Associated with Intensive Programs of Instruction \(IPI\) \(texas.gov\)](#)

This document can also be found on the [TEA Learning Support page](#).
8. What data will TEA collect to monitor effectiveness of accelerated instruction?
TEA will define reporting requirements for the monitoring of accelerated instruction during the 2023-2024 school year but expects to collect data elements such as frequency, time of day, and/or tutoring method through the PEIMS Summer Submission in the 2024-2025 school year.
9. What information will need to be provided to identify students who transfer who are also required to receive accelerated instruction and their progress towards these requirements?
TEA will define reporting requirements through the TREx system during the 2023-2024 school year but expects to add data elements to the TREx system that would allow LEAs to send information on whether a student received supplemental instruction, the number of hours assigned, the number of hours provided, whether a parent opted out of requirements, and related subjects.
10. What local documentation is required to prove implementation?
Local documentation is not required by statute but is a best practice for managing accelerated instruction. Examples of documentation that would serve as evidence include student schedules that include dates and

duration of the tutoring session, tutor assignment, tutor-to-student ratio, targeted subject area, and minutes completed. Other documentation that may be needed include any parent/guardian waivers that indicate a group greater than 4:1 was approved.

11. Can a student be removed from a core instruction or elective class to meet accelerated instruction requirements?

No, students cannot be removed from recess or from the foundation curriculum or enrichment curriculum as defined in TEC, §28.002; this includes electives which are normally provided to students in the grade level in which the student is enrolled.

12. Are LEAs required to provide transportation to students if accelerated instruction is scheduled outside of regular school hours?

LEAs requiring students to attend supplemental instruction outside of regular school hours must provide transportation unless the LEA does not operate or contract with a transportation system.

13. Do the accelerated instruction requirements apply to students who enroll from out-of-state, from a private school, or from a home school?

No, accelerated instruction requirements only apply to students enrolled in a Texas public school district or open-enrollment charter school the previous year.

14. If a student did not perform satisfactorily and is assigned a TIA-designated teacher in the applicable subject area to meet HB 1416 (88R) accelerated instruction requirements and the teacher leaves mid-year, does the student need to receive additional accelerated instruction hours? What if the teacher leaves before the end of the semester?

**New
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No, if a student has received a semester of instruction from a TIA-designated teacher in the applicable subject area, that instruction would satisfy the requirements outlined in amended TEC, Sec. 28.0211.

If the teacher leaves prior to the end of the semester, then the student may need to receive additional support as determined by below grade level performance on formative assessments and/or other data indicators. LEAs will need to communicate to parents/guardians the amount of instruction needed (as needed, based on formative assessments and/or other data indicators) due to the absence of the TIA teacher prior to the end of the semester.

15. Can local educational agencies (LEAs) use compensatory funds to pay for accelerated instruction that is required under HB 1416 (88R)?

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Yes, LEAs may use SCE funds described in TEC, Sec. 48.104, to fund supplemental programs and services listed in HB 1416:

- *targeted supplemental instruction*
- *extended day and year instruction*
- *tutoring*
- *transportation for extended day and year programs.*

LEAs may also use SCE funds for professional development designed to provide instructors the knowledge and skills to deliver accelerated instruction, and for the purchase of supplemental instructional materials for the intended population defined in the authorizing statute, TEC, §29.081 and TEC, §48.104.

(For more information, please email Dahlinda.Alaniz@tea.texas.gov)

B. House Bill (HB) 1416 (88R) Overview and Implementation

1. How did House Bill 1416 (88R) change Accelerated Instruction requirements?

HB 1416 amends current law relating to accelerated instruction provided to public school students who do not achieve approaches or higher on certain assessment instruments. These changes include:

- *Removing the requirement for an Accelerated Learning Committees while requiring an Accelerated Education Plan after a student fails to achieve approaches or higher on two consecutive STAAR assessments in the same subject area*
- *Limiting tutoring to 2 subjects and no longer including optional assessment administrations*
- *Increasing the student-to-tutor ratio from 3:1 to 4:1 for tutoring group size*
- *Clarifying that students who take STAAR Alternate 2, are retained, or take substitute high school assessments are not subject to accelerated instruction requirements*
- *Reducing minimum hour requirement from 30 to 15 for some students*
- *Adding local educational agencies (LEAs) receiving compensatory education funding as criterion for included LEAs (previously LEAs receiving funding from Strong Foundations Grant Program, CRRSAA or ARP)*
- *Providing student-to-teacher ratio waivers for use of approved online curriculum (approvals available spring 2024)*
- *Clarifying that parents may modify or remove supplemental instruction requirements with a letter to a campus administrator*
- *Clarifying that parents must be notified of student who does not perform on applicable assessments*
- *Requiring TEA to monitor implementation of accelerated instruction*

2. When does HB 1416 (88R) take effect?

HB 1416 is effective on June 9, 2023, the date of the governor’s signature. The changes in law made to TEC, Sec. 28.2011, apply beginning with assessment instruments administered during the 2023 spring semester.

3. Which subjects and grade levels are applicable to accelerated instruction requirements?

The subjects and grade levels applicable to students receiving accelerated instruction who do not achieve approaches or higher are STAAR grades 3–8 (math, RLA, science, social studies) and STAAR EOC (Algebra I, English I, English II, Biology, U.S. History). Retest administrations, which are optional for students, no longer require additional hours under HB 1416 (88R).

4. What steps should local educational agencies (LEAs) take now that HB 1416 (88R) is in effect?

LEAs should begin working with internal staff to develop necessary steps that will help transition from HB 4545 to HB 1416, including the identification of applicable students, making schedule changes, ensure availability of sufficient internal or external personnel to support tutoring, deciding on high-quality supplemental instructional materials to be used. LEAs may also check for TEA updates and resources that will provide additional guidance.

5. Is there funding available to support implementation of accelerated instruction requirements?

Local educational agencies may use any available funds to support accelerated instruction, including existing state and federal funding such as State Compensatory Education funds, Title I funds, and other grant program funds.

6. Are local educational agencies (LEAs) required to provide supplemental instruction under this law each week of the school year?

LEAs are currently exempt from meeting the requirement of supplemental instruction being provided at least once per week (unless fully completed during the summer) if a school week is three or less instructional days, as provided under 19 TAC 104.1001©(2). The agency does not anticipate that this exemption will be removed from rule.

7. If a student did not complete supplemental accelerated instruction hours under HB 4545 (87R) during the 22-23 school year, is the student required to complete these hours now that HB 1416 (88R) is in effect?

Unfinished supplemental accelerated instruction hours under HB 4545 do not carry over. However, since Spring 2023 will not provide a reset to the timeline for consecutive subject area failures, an accelerated education plan should be developed if a student did not perform satisfactorily for two consecutive years in the same subject area.

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8. If LEAs offer 15 or 30-hour accelerated instruction during the summer, but the targeted students do not participate, does the LEA (local educational agency) still need to provide those hours? Can LEAs mandate the parents to send their kids to summer program if their kids are targeted for accelerated instruction?
There is not a statute that explicitly requires a student to attend accelerated instruction offered during the summer. The LEA can have a local policy or decision based on other legal requirements to require summer attendance (such as a student must attend to be promoted). If a student misses summer opportunities and the parent had not sought to opt out of the offered accelerated instruction, the LEA will need to provide the missed instruction during the subsequent school year.

C. STAAR Reporting and Accelerated Instruction

1. What are the STAAR score release timelines for 2023?
Districts will receive final STAAR EOC results on 05/31/23 and a preliminary STAAR 3–8 results on 05/22/23. Scale scores and performance levels will be available on the final assessment reports on 08/11/23.

Additional information regarding the reporting timelines for spring 2023 STAAR is available at the following link: [Reporting Timelines for Spring 2023 STAAR](#).
2. Are students in the “zone of uncertainty” of passing the 2023 STAAR required to receive accelerated instruction as required by HB 1416 (88R)?
The “zone of uncertainty” included within STAAR Early Results Guidance Tables released in May 2023 is meant solely as a resource for LEA decision-making and presents no legal or official requirements to LEAs. As such, students falling within the “zone of uncertainty” of passing STAAR are not required to receive accelerated instruction as required by HB 1416; however, districts may use the STAAR Early Results Guidance Tables to inform planning for fulfilling requirements such as HB 1416 or graduation.

Final student-level results for spring 2023 STAAR will be communicated on 08/15/23, and all students not passing will be required to receive accelerated instruction. Additional information regarding the reporting timelines for spring 2023 STAAR is available at the following link: [Reporting Timelines for Spring 2023 STAAR](#).
3. Can local educational agencies (LEAs) receive credit for delivering accelerated instruction hours before STAAR results are received?
An LEA may provide accelerated instruction before the student's assessment result is available, for example, in a summer learning setting. Such accelerated instruction hours will count toward the accelerated instruction requirement (i.e., they will be “banked”) if the student's subsequently released assessment result shows that the student failed to achieve approaches or higher on the assessment.
4. How do local educational agencies identify which students need accelerated instruction?
Students who do not achieve approaches or higher on STAAR grades 3–8 or EOC assessments are required to receive accelerated instruction during the subsequent summer or school year.
5. What is considered performing satisfactorily (passing) on STAAR?
Students who perform satisfactorily on STAAR achieve Approaches Grade Level, Meets Grade Level, or Masters Grade Level. Students who do not perform satisfactorily on STAAR achieve Does Not Meet Grade Level or did not test.

6. Which students are required to receive 30 hours of supplemental instruction versus 15 hours of supplemental instruction under these requirements?

As required by House Bill 1416 (88R), TEA will define these requirements through the standard rulemaking process. TEA intends to propose rules that will require students who fall into the "Low Does Not Meet" category of STAAR performance to receive no less than 30 hours of supplemental instruction. The rules will also provide that third-grade students who do not approach grade level or higher will be required to receive 30 hours of supplemental instruction.

Districts can view which students fall into this category on the district student-level assessment data files. For 2023, these data files are available by 08/11/23. Beyond 2023, these data files will be available on a standard reporting timeline.

Additionally, students who do not approach grade level or higher for two years in a row must be provided with an Accelerated Education Plan and at least 30 hours of supplemental instruction as required by HB 1416.

7. How should we determine if students are required to receive 15 or 30 hours of supplemental instruction because of a failed science or social studies assessment given that the "Low Does Not Meet" (LDNM) and "High Does Not Meet" (HDNM) categories do not exist for these subjects?

Districts can view the STAAR Biology and U.S. History LDNM/HDNM tables on the [2023 Accountability Development Materials](#) webpage, under the "Preliminary 2023 Academic Accountability System Resources" header. The high/low information for all content areas will be added to the tables by mid-August. Districts will be able to view district student-level assessment data files that will be posted to the TEA Login (TEAL) by late August. Beyond 2023, these data files will be available on a standard reporting timeline.

8. If a student does not achieve approaches grade level on spring 2023 and spring 2022 STAAR in the same subject, does an Accelerated Education Plan need to be developed? Or does the passage of HB 1416 (88R) provide a reset to this timeline (i.e., would the spring 2023 result be considered year one)?

Spring 2023 will not provide a reset to this timeline. An accelerated education plan should be developed for the student in this scenario and all corresponding statutory requirements for this plan should be followed by the local educational agency.

9. What is considered a "substitute assessment instrument" for purposes of determining if a student requires the provision of accelerated instruction under this law?

Substitute assessments in this context pertain to approved assessments that can be used for the requirement to demonstrate satisfactory performance on a STAAR EOC assessment to be eligible to graduate from a Texas high school. The SAT and ACT are examples of approved substitute assessments, and the full list is located at TAC [§101.4002](#) STAAR End-of-Course Substitute Assessments.

10. How do we determine whether or not our district is eligible for a waiver for these requirements due to at least 60% of students moving from did not meet grade level in a preceding year to approaches grade level this year with no overrepresentation of student subgroups (i.e., those receiving special education services or who are educationally disadvantaged)?

The statute requires TEA to define "overrepresentation" of certain subgroups of students – i.e., those receiving special education services and who are educationally disadvantaged - in rule to set a threshold for eligibility for this waiver. Because of this, the waiver will not be available until rulemaking is completed (expected spring 2024).

11. What is an example of a test administration that would be considered an optional assessment administration that does not require a district to provide additional accelerated instruction if the student fails to achieve approaches or higher?

An optional assessment administration for this purpose is a STAAR EOC retest taken during any test administration window.

12. If a student fails three STAAR tests where only one of the failed tests is math or RLA, are there any requirements that apply to the process of selecting the second subject area for supplemental instruction?

LEAs have the discretion to select the second subject area if the student does not qualify for both math and RLA but failed to perform satisfactorily in other subjects.

13. What are some STAAR EOC assessment scenarios where students fail to perform satisfactorily on tests that would result in 15 hours being required and scenarios that would result in 30 hours being required?

A student who fails to perform satisfactorily on a STAAR grade 8 assessment and fails to perform satisfactorily on a STAAR EOC assessment in grade 9 in the same content area needs an accelerated education plan that includes 30 hours of supplemental instruction.

Year	Assessment	Administration Result	Outcome
1	STAAR Grade 8 Math	Did not pass	15 hours
2	STAAR Algebra I	Did not pass	30 hours + AEP
1	STAAR Grade 8 RLA	Did not pass	15 hours
2	STAAR English I	Did not pass	30 hours + AEP
1	STAAR Grade 8 Science	Did not pass	15 hours
2	STAAR Biology	Did not pass	30 hours + AEP

A student who fails to perform satisfactorily on a STAAR EOC assessment the first time he or she is required to take it will need 15 hours of supplemental instruction. A student who fails to perform satisfactorily on a STAAR EOC retest during any subsequent administration will not have an increase in supplemental instruction hours nor a requirement for an accelerated instruction plan. The first administration is the only administration that will trigger supplemental instruction.

Administration	Assessment	Administration Result	Outcome
Spring	STAAR Algebra I	Did not pass	15 hours
June	STAAR Algebra I retest	Did not pass	NA
Spring	STAAR English I	Did not pass	15 hours
December	STAAR English I retest	Did not pass	NA
Spring	STAAR English II	Did not pass	15 hours
Spring	STAAR English II retest	Did not pass	NA
June	STAAR Biology	Did not pass	15 hours
December	STAAR Biology retest	Did not pass	NA
December	STAAR U.S. History	Did not pass	15 hours
Spring	STAAR U.S. History retest	Did not pass	NA

A student who fails to perform satisfactorily on a STAAR grade 8 assessment and does not have to take a STAAR EOC assessment in grade 9 in the same content area needs 15 hours of supplemental instruction for failing to perform satisfactorily on the grade 8 assessment and 15 hours of supplemental instruction after failing to perform satisfactorily on the STAAR EOC assessment in the same content area.

Year	Assessment	Administration Result	Outcome
1	STAAR Grade 8 Math	Did not pass	15 hours
2	No math assessment	NA	NA

3	STAAR Algebra I	Did not pass	15 hours
1	STAAR Grade 8 Science	Did not pass	15 hours
2	No science assessment	NA	NA
3	STAAR Biology	Did not pass	15 hours
1	STAAR Grade 8 Social Studies	Did not pass	15 hours
2	No social studies assessment	NA	NA
3	STAAR U.S. History	Did not pass	15 hours

A student who fails to perform satisfactorily on STAAR English I and fails to perform satisfactorily on STAAR English II in consecutive years needs an accelerated education plan that includes 30 hours of supplemental instruction.

Year	Assessment	Administration Result	Outcome
1	STAAR English I	Did not pass	15 hours
2	STAAR English II	Did not pass	30 hours + AEP

14. Emergent bilingual students often take English I and English II courses simultaneously and must take both STAAR EOC assessments during the same administration. How does this impact the supplemental instruction required by HB 1416 (88R)?

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For each STAAR EOC assessment in which the student does not perform satisfactorily, the emergent bilingual student will receive either 15 hours (high does not meet) or 30 hours (low does not meet) of supplemental accelerated instruction.

15. Is an emergent bilingual student who uses the English I EOC provision and does not retake the test required to receive the supplemental instruction required by HB 1416 (88R)?

New
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Yes, the emergent bilingual student will need to receive the 15 hours (high does not meet) or 30 hours (low does not meet) of supplemental accelerated instruction since the student did not pass the STAAR EOC assessment. The student may need the targeted instruction because he/she has not been enrolled in U.S. schools for three school years, or the student qualified as an unschooled asylee or refugee enrolled in the U.S. for five school years or less and is still developing the English language.

D. Accelerated Education Plans

- When is a local educational agency (LEA) required to develop an accelerated education plan?
An LEA shall develop an accelerated education plan when a student fails to achieve approaches or higher on STAAR for two or more consecutive school years in the same subject area.
- What must be included in an accelerated education plan to meet the legal minimum?
The accelerated education plan must 1) identify the reason the student did not perform satisfactorily on the applicable assessment; and 2) require that the student be provided with no less than 30 hours of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment in the applicable subject.
- The statute requires LEAs to develop accelerated education plans (AEPs) for students who fail to perform satisfactorily on STAAR assessments for two or more consecutive school years in the same subject area prior to the start of the subsequent school year. Given the late release of performance level results for spring 2023 STAAR assessments in grades 3-8, it may not be possible for LEAs to develop AEPs for students who took spring 2023 STAAR assessments in grades 3-8 before the beginning of the 2023-24 school year.

LEAs should develop AEPs for students required to have AEPs based on their performance on spring 2023 STAAR assessments in grades 3-8 as soon as is practicable after the release of performance level results for spring 2023 STAAR grades 3-8 assessments.

E. Students with Disabilities

1. Is an Admission, Review, and Dismissal (ARD) committee meeting still required for students receiving special education services to determine the way the student will participate in accelerated and supplemental instruction?

No. An ARD committee may be convened if the committee feels that a student's individualized education program (IEP) may need to be modified based on the accelerated and supplemental instruction requirements, but it is not required. If an ARD committee is not convened, the Local Education Agency will use the same processes and procedures for a student with an IEP as it does with all other students. The ARD committee must then review the student's participation and progress at the student's next annual review meeting.

2. Are students who take STAAR Alternate 2 subject to these requirements?

No. HB 1416 (88R) does not require students who were administered STAAR Alternate 2 to adhere to the requirements of Section 28.0211.

3. Does HB 1416 (88R) address students served under Section 504?

HB 1416 (88R) does not explicitly address Section 504; therefore, students who have a Section 504 accommodation plan should follow the same HB 4545 (87R)/HB 1416 (88R) requirements as all other students, subject to any applicable provisions of their Section 504 accommodation plans.

Questions? Visit the [TEA Accelerated Instruction webpage](#) or reach out to accelerated.instruction@tea.texas.gov.