

## **Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs**

Multiple state statutes require extra instructional support for students who fail to meet the passing standard on a state assessment or who exhibit academic difficulties. This document provides information regarding the applicability of the laws requiring accelerated instruction and intensive programs of instruction to students with disabilities who participate in special education programs.

The terms “accelerated instruction” and “intensive program of instruction” are not defined in statute. School districts have the discretion to determine the appropriate form, content, and timing of the instruction based on an individual student’s needs. According to statute, accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

Students in special education, including those who take alternate state assessments and those who are not required to pass state assessments in order to graduate, are not excluded from the laws requiring accelerated instruction and intensive programs of instruction. With regard to these students, however, the admission, review, and dismissal (ARD) committee is responsible for determining the instructional interventions needed to assist the student in achieving the state academic standards and/or the standards set forth in the student’s individualized education program (IEP).

The ARD committee may address accelerated instruction and intensive programs of instruction in an ARD committee meeting. Alternatively, the school district and the student’s parent may agree to amend or modify the student’s IEP without an ARD committee meeting in accordance with the procedures in 34 Code of Federal Regulations (CFR) §300.324(a)(4). In either case, the instructional decisions should be informed by current data, such as the student’s state assessment results, and should be tailored to meet the student’s individual needs.

### ***Accelerated Reading Instruction***

Texas Education Code (TEC) §28.006 requires school districts to administer reading instruments to students in kindergarten through second grade to assess their reading development and comprehension. The statute further requires that a school district implement an accelerated reading instruction program for students who are determined, on the basis of their reading instrument results, to be at risk for dyslexia or other reading difficulties. In the case of a student in special education who does not perform satisfactorily on a reading instrument, the student’s ARD committee must determine the manner in which the student will participate in an accelerated reading instruction program.

### ***Accelerated Instruction under the Student Success Initiative***

TEC §28.0211 (also referred to as the Student Success Initiative or SSI) requires a school district to provide students in third through eighth grade who do not perform satisfactorily on a state assessment with accelerated instruction in the applicable subject area. Accelerated instruction must be provided each time a student fails a state assessment. These requirements also apply to students in special education, including those who take alternate state assessments.<sup>1</sup>

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<sup>1</sup>19 TAC §101.2006(a).

In addition, if a student in special education who is in fifth or eighth grade does not perform satisfactorily on a reading or math state assessment, the statute requires that the student's ARD committee determine: (1) the manner in which the student will participate in an accelerated instruction program; and (2) whether the student will be promoted to the next grade or retained in the current grade. The accelerated instruction must be provided to the student before the next administration of the applicable assessment.<sup>2</sup>

### ***Accelerated Instruction for High School Students and Students At Risk of Dropping Out***

TEC §28.0217, §29.081, and §39.025(b-1) require that a school district provide accelerated instruction in the applicable subject area to a student who does not pass an end-of-course (EOC) assessment administered under TEC §39.023(c). Furthermore, the accelerated instruction must be provided before the next administration of the applicable assessment. These provisions also apply to students in special education, including those who take alternate state assessments.<sup>3</sup>

In addition, TEC §29.081 requires that a school district provide accelerated instruction to a "student at risk of dropping out of school" as described in TEC §29.081(d). A student with a disability may be considered to be at risk of dropping out of school if the student meets one or more of the statutory criteria for being in an at-risk situation that is not considered to be part of the student's disability.

Accelerated instruction is only required for students who do not perform satisfactorily on the EOC assessments that are currently required under TEC §39.023(c) (i.e., Algebra I, English I (reading/writing), English II (reading/writing), biology, and U.S. history). A school district is not required to provide accelerated instruction to students who failed an EOC assessment that is no longer required for graduation.<sup>4</sup>

### ***Intensive Programs of Instruction***

Under TEC §28.0213, a school district must also offer an intensive program of instruction to a student who does not perform satisfactorily on any state assessment instrument administered under TEC Subchapter B, Chapter 39. In addition, a recent amendment to the statute now requires that intensive instruction be provided to a student who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the school district.

In the case of a student in special education who does not pass a state assessment, the statute requires that the student's ARD committee design an intensive program of instruction to: (1) enable the student to attain a standard of annual growth on the basis of the student's IEP; and (2) if applicable, carry out the purposes of TEC §28.0211 (i.e., the SSI).

### ***Resources***

- The Texas Education Agency's (TEA's) Curriculum Division provides guidelines for accelerated programs for students in grades kindergarten through eight who are identified as needing intervention. Response to Intervention (RtI) may be one model that districts can

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<sup>2</sup>19 TAC §101.2006(e).

<sup>3</sup>19 TAC §101.2006(a).

<sup>4</sup>June 12, 2013 *To the Administrator Addressed Letter*, <http://www.tea.state.tx.us/index4.aspx?id=25769805503>.

use to provide accelerated instruction. Curriculum resources are available at <http://www.tea.state.tx.us/index2.aspx?id=2147486096>.

- TEA's Student Assessment Division has developed materials to help schools implement the SSI grade advancement requirements. These materials are available at <http://www.tea.state.tx.us/student.assessment/ssi/>.
- Information regarding state compensatory education is available on TEA's Division of Financial Compliance's webpage at <http://www.tea.state.tx.us/index4.aspx?id=4082>.