



# Frequently Asked Questions HB 1416 (88R)

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## 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 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 or using a Ratio Waiver List product;*
  - *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 school systems on the [TEA Accelerated Instruction webpage](#). School system personnel may reach out to [Texas Tutoring Supports - Welcome to the TEA Help Desk](#) with questions or to provide resources which may be hosted on the TEA accelerated instruction webpage as a resource for other school systems.*

**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. A school system 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 school system 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?**

*A school system can waive accelerated instruction ratio requirements only by using an approved automated supplemental instruction product that is included on the HB 1416 Ratio Waiver List (RWL). This list along with RWL webinar information and [other requirements](#) that must be*

met to use the HB 1416 RWL are available on the [HB 1416 Ratio Waiver List Products](#) webpage. School systems can still use any curricular tool that aligns with HB 1416 requirements to support accelerated instruction; however, only products approved through the RWL waive the 4:1 student to teacher ratio. (See Section F. HB 1416 Ratio Waiver List for more information.)

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 school system 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 \(IPI\)](#)

*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 a school system 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 expectations for intensive programs of instruction:*

[Minimum Middle/Junior High School Personal Graduation Plan \(PGP\) Standards and Guidance Associated with Intensive Programs of Instruction \(IPI\)](#)

*This document can also be found on the [TEA Learning Support page](#).*

8. **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.*

9. **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.*

**10. Are school systems required to provide transportation to students if accelerated instruction is scheduled outside of regular school hours? Is the two-mile radius transportation rule still applicable?**

*School systems requiring students to attend supplemental instruction outside of regular school hours must provide transportation unless the school system does not operate or contract with a transportation system. The two-mile transportation rule still applies for students provided accelerated instruction outside of regular school hours.*

**11. 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.*

**12. 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?**

*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 current grade level formative assessments and/or other data indicators. School systems 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.*

**13. If a teacher is granted TIA designation in the spring, can this designation satisfy HB 1416 accelerated instruction requirements for that same school year if a student was assigned to that teacher prior to the TIA designation being granted?**

*No; TEC, Sec. 28.0211(a-1), requires assignment of the applicable student to a TIA-designated teacher or to a program of supplemental instruction. If a teacher is not yet a TIA-designated teacher at the time of the student's assignment, then supplemental instruction is needed.*

**14. Which funds can school systems use to pay for accelerated instruction required under HB 1416 (88R)?**

*School systems may utilize funds allocated under Section [48.104](#) to support the programs and services outlined in HB 1416:*

- *targeted instruction*
- *extended day and year instruction*

- tutoring
- transportation for extended day and year programs.

School systems may also use funds under Section [48.104](#) for professional development aimed at equipping instructors with the knowledge and skills needed to deliver accelerated instruction and for purchasing instructional materials for the population defined in the authorizing statute, TEC, §29.081. (For more information, please email [Dahlinda.Alaniz@tea.texas.gov](mailto:Dahlinda.Alaniz@tea.texas.gov))

**15. What is the deadline for students who receive the required accelerated instruction in a STAAR tested subject area? What is the deadline for students who receive the required accelerated instruction in a subject area that is not STAAR tested? Does this deadline also apply to students participating in STAAR EOC administrations?**

Per TEC, Sec. 28.0211(a-1), students must receive the required accelerated instruction by the next regularly scheduled STAAR administration for **tested subject areas**. For example, students who did not receive approaches or higher on the Grade 5 Reading STAAR must complete accelerated instruction before the Grade 6 RLA STAAR in the spring.

For **non-tested subject areas**, students have until the end of the subsequent school year to complete accelerated instruction requirements. A student who did not receive approaches or higher on the Grade 5 Science STAAR administration has until the end of the Grade 6 school year to complete HB 1416 accelerated instruction requirements since science is not tested in Grade 6.

Students who participate in an EOC administration have until the next spring administration to complete accelerated instruction requirements even if they participate in a June or December administration and do not pass.

## **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 school systems receiving compensatory education funding as criterion for included school systems (previously school systems 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 did HB 1416 (88R) take effect?**

*HB 1416 took effect on June 9, 2023, the date of the governor's signature. The changes in law made to TEC, Sec. 28.2011, applied 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. Is there funding available to support implementation of accelerated instruction requirements?**

*Local educational agencies can use any available funds to support accelerated instruction, including existing state and federal funding such as Title I funds, funds allocated under Section [48.104](#), and other grant program funds.*

## **5. Are school systems required to provide supplemental instruction under this law each week of the school year?**

*School systems 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.*

## **6. If school systems offer 15 or 30-hour accelerated instruction during the summer, but the targeted students do not participate, does the school system 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 school system 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 school system will need to provide the missed instruction during the subsequent school year.*

**7. Can school systems repurpose existing instructional blocks (such as advisory periods, study hall, optional electives, remediation time, or double-blocked reading/math) to meet HB 1416 accelerated instruction requirements?**

*School systems may repurpose time previously used for remediation or other instructional purposes. However, this time may only count toward the 15 or 30 hours of supplemental instruction under HB 1416 if it is clearly supplemental and does not replace/reduce Tier 1 instruction for any student.*

*Accelerated instruction must not supplant instructional time normally provided for the grade level. For example, if a double-blocked period includes both Tier 1 and supplemental instruction, only the portion that is clearly delineated and documented as supplemental (e.g., small group instruction beyond Tier 1) may meet accelerated instruction requirements.*

*If all students receive double-blocked instruction as part of Tier 1, removing students from that time for accelerated instruction would not align with HB 1416 accelerated instruction requirements. School systems must ensure that any repurposed time is in addition to Tier 1 instruction and meets all HB 1416 criteria.*

*A school system may not remove a student from instruction in the foundation curriculum, enrichment curriculum (adopted under Section 28.002 for the student's grade level), recess, or other physical activity available to other students in the same grade level, except in circumstances where a student not receiving accelerated instruction in the same grade level would also be removed*

**8. Can a teacher have 12 students in the room working on focused skill assignments while the teacher works with four of those students at a time during an extended instructional block? Would this meet the 4:1 student-to-teacher ratio requirement under HB 1416?**

*No, this setup would not meet the 4:1 ratio requirement for the entire class period. A classroom with one teacher and 12 students—even if using stations or small group rotations—is still considered a 12:1 ratio unless additional instructional staff are present.*

**9. Is retaking the course the same as retention as noted in Section 28.0211?**

*If a course is retaken in its entirety (i.e., to earn full credit), then this is the equivalent of grade level retention. The student is exempt from accelerated instruction requirements for that specific course. However, while HB 1416 does not require accelerated instruction for students who are retained or repeating a course, it remains a best practice to provide these students with the necessary academic support to ensure they can successfully access and engage with grade-level content. School systems are encouraged to consider targeted interventions, supplemental instruction to address any unfinished learning and promote student success, or assigning a TIA-designated teacher in the applicable subject area.*

**10. Is credit recovery the equivalent to a grade-level retention and, therefore, count toward supplemental instruction requirements?**

*No, credit recovery is not the same as grade-level retention and cannot count toward the supplemental instruction requirements.*

**11. If a student is assigned a TIA teacher in an online high school setting, are there specific requirements for this to count as accelerated instruction? For example, does the teacher need to meet with the student synchronously, or is it acceptable for meetings to occur asynchronously?**

*TEC, Sec. 28.0211(a-1)(1), does not differentiate between in-person and virtual instruction for this purpose. The law allows the assignment of a TIA-designated teacher in the applicable subject area to students who require improvement, regardless of the instructional format.*

*In a virtual setting, the assigned teacher may use any instructional method typically used for that class, whether synchronous or asynchronous. This arrangement is considered regular instruction (not tutoring) and may or may not involve live, synchronous meetings.*

*TEA recommends that, in alignment with best practices, school systems offer students the opportunity to for in-person tutoring.*

**12. What is the effective date of the most recently amended version of the accelerated instruction rule (19 TAC §104.1001)?**

*The effective date of the most recently amended version of 19 TAC §104.1001 is May 22, 2024.*

**13. Can early literacy tutoring delivered through the Parent Access to Supplemental Supports (PASS) count toward HB 1416 accelerated instruction requirements?**

*No, early literacy tutoring provided through the [Parent Access to Supplemental Supports \(PASS\)](#) program cannot be used to satisfy HB 1415 accelerated instruction requirements. PASS early literacy tutoring and HB 1416 accelerated instruction are designed to address two different academic purposes:*

- HB 1416 accelerated instruction must be aligned to the student's current grade level and the specific subject area in which the student did not meet the applicable assessment standard and designed to support the student in achieving satisfactory performance in that grade level subject area.*
- PASS early literacy tutoring focuses on remediating foundational reading skills (such as phonics or decoding) and does not, therefore, provide sufficient academic breadth to address a student's need for improvement at the student's current grade level or in the assessed subject area.*

*Because HB 1416 accelerated instruction must be grade level and subject specific, early literacy tutoring delivered through PASS does not meet HB 1416 criteria and cannot be counted toward required accelerated instruction hours.*

*Students may receive both PASS early literacy tutoring and HB 1416 accelerated instruction concurrently when eligible; however, instructional time must be documented separately, and hours earned through PASS early literacy tutoring may not double counted toward HB 1416 accelerated instruction requirements, which must remain grade level and subject specific.*

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## C. STAAR Reporting and Accelerated Instruction

- 1. Can school systems receive credit for delivering accelerated instruction hours before STAAR results are received?**

*A school system 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.*

- 2. 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.*

- 3. 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.*

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

*Students who fall into the "Low Does Not Meet" category of STAAR performance are required to receive no less than 30 hours of supplemental instruction. Incoming fourth-grade students who do not approach grade level or higher on a grade 3 STAAR are 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.*

*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.*

- 5. How should school systems 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?**

*School systems can view the STAAR LDNM/HDNM tables on the [2025 Accountability Rating System | Texas Education Agency](#) webpage, under the "Explanatory Materials & Resources" header. The high/low information for all content areas will be added to the tables in alignment with the release of STAAR scores.*

- 6. 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 End-of-Course (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.*

- 7. How do school systems determine whether they are 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)?**

*TEA will post the list of school districts or charter schools who are eligible for the one-year Accelerated Instruction Waiver for the applicable school year on the [Accelerated Instruction webpage](#) along with next steps for qualifying schools.*

- 8. 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.*

- 9. 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?**

*School systems 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.*

- 10. 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. See table on next page.*

| 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. See table on next page.

| 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 |

- 11. 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)?**

*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.*

- 12. 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)?**

*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.*

**13. Are students who are absent during a STAAR administration required to receive supplemental instruction?**

*Prior law required school systems to provide supplemental 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 Texas Administrative Code (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 supplemental instruction.*

**14. How do school systems determine the number of supplemental instruction hours that should be provided to students who receives a score of 00- Excluded?**

*Students who receive a 00 Excluded score with a “S” (score) code require 30 hours of supplemental accelerated instruction. A BOY assessment is not necessary for a parent/guardian to modify or opt out of the supplemental instruction requirement. Students who receive a 00 Excluded score with an “A” (absent) or an “O” (other) score code require 15 hours of supplemental accelerated instruction unless the consecutive school year failure is applicable. A BOY assessment is necessary for a parent/guardian to modify or opt out of the supplemental instruction requirement.*

**15. If a student will meet EOC graduation requirements through an Individual Graduation Committee (IGC) determination, is the student still required to receive accelerated instruction? How is this reported in PEIMS?**

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*Yes, a student who does not perform satisfactorily on an initial EOC assessment is still required to receive accelerated instruction even if the student is later determined to meet EOC graduation requirements through an IGC.*

*If the student completes the required accelerated instruction prior to satisfying the IGC requirements, the school system should report the accelerated instruction hours assigned and the completed in the same manner as for any other student. If the student satisfies the IGC requirements before completing the required accelerated instruction, the school system should report the difference between the hours assigned and the hours completed as hours not completed prior to the next STAAR administration.*

## **D. Accelerated Education Plans**

**1. When is a school system required to develop an accelerated education plan (AEP)?**

*A school system 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.*

**2. What must be included in an accelerated education plan (AEP) 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. Even if a student is assigned to a TIA-designated teacher for the applicable subject area, an AEP is still required if the student has failed to perform satisfactorily on the same subject for two consecutive years. The AEP should clearly document that the accelerated instruction requirement is being met through classroom instruction provided by the TIA-designated teacher.*

## **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. Generally, a school system will use the same processes and procedures for a student with an individualized education program (IEP) as it does with all other students, so an ARD committee meeting is not required. Similarly, if a parent/guardian of a student with an IEP wishes to modify or opt his/her child out of accelerated and supplemental instruction, he/she would follow the same processes as for all other students, and an ARD committee meeting would not be required. However, the ARD committee must review the student's participation and progress (if the parent/guardian hasn't opted out) at the student's next annual review meeting.*

*An ARD committee may be convened if the committee believes that a student's IEP may need to be modified based on the accelerated and supplemental instruction requirements. For the ARD committee to determine that a modification to a student's IEP is necessary, it must document that participation in such instruction would significantly affect the school system's provision of a free appropriate public education (FAPE) to the student. This circumstance would be highly unusual and not recommended except for rare cases, as the accelerated and supplemental instruction requirements are targeted to the Texas Essential Knowledge and Skills (TEKS) to help the student achieve satisfactory performance in the applicable grade level and subject area. The supplemental instructional materials are designed to target specific TEKS from the assessment that prompted the need for accelerated and supplemental instruction and should not commonly interfere with the school system's provision of FAPE to the student. Modifying the requirements solely to fit within the student's existing schedule, for example, would not be considered a significant interference with the provision of FAPE and should not be used as the reason for modification. In instances where the ARD committee determines that a modification is necessary, the committee must document this decision along with the rationale behind the modification.*

**2. Can instruction that is provided during time allocated for special education services count towards HB 1416 accelerated instruction requirements?**

*No. Time that is reserved specifically for the provision of special education services under a student's current IEP cannot be counted toward meeting the accelerated instruction requirements outlined in HB 1416.*

*If a student requires accelerated instruction and the school system chooses to meet this requirement through supplemental instruction, it must be provided in addition to the services the student is entitled to under his/her IEP. Furthermore, the supplemental instruction must align with HB 1416's requirements for accelerated instruction.*

**3. 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.*

**4. 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.*

**5. Can dyslexia intervention services count toward HB 1416 accelerated instruction requirements?**

*No, dyslexia intervention services do not meet the criteria for HB 1416 accelerated instruction requirements. These interventions focus on developing foundational literacy skills which may complement classroom instruction in the early elementary grades but are not consistently aligned with the curriculum for grades 3 and above. HB 1416 accelerated instruction is specifically designed to address areas of need identified through a student's STAAR performance. Many dyslexia programs are not explicitly aligned with the TEKS and do not provide TEKS-based guidance, as they are intended for a different purpose.*

**6. If a student participates in a STAAR administration in the spring but will participate in STAAR Alternate 2 the following school year based on an ARD committee decision, is the student still required to receive accelerated instruction?**

*Yes, a student is still required to receive accelerated instruction even if the ARD committee has determined that the student will participate in STAAR Alternate 2 in the upcoming spring administration. The accelerated instruction should be aligned to the student's current grade level and subject area and provide targeted academic support based on the student's needs.*

## **F. HB 1416 Ratio Waiver List**

- 1. When can school systems begin using the HB 1416 Ratio Waiver List product to meet accelerated instruction requirements?**

*School systems can benefit from the HB 1416 Ratio Waiver List (RWL) as soon as summer 2024.*

- 2. Is there a formal waiver that school systems must submit to TEA to use any of the products on the HB 1416 Ratio Waiver List?**

*No, a formal waiver process/application is not necessary to use a product on the HB 1416 RWL. However, school systems must notify parents/guardians that they are using a product from the RWL to provide their student with the required supplemental instruction.*

- 3. Are school systems required to use a product on the HB 1416 Ratio Waiver List, or are school systems able to continue the use of a supplemental product that is not on the HB 1416 RWL?**

*School systems may continue to use any supplemental product of their choice that aligns with the statutory language outlined in HB 1416 (88R) (i.e., designed for supplemental instruction, TEKS aligned, delivered by a tutor trained in the product in a 4:1 ratio unless a parent waiver is obtained).*

- 4. Are there specific usage requirements for products on the HB 1416 Ratio Waiver List?**

*School systems can find usage requirements for each products on the [HB 1416 Ratio Waiver List Products](#) webpage. To benefit from the waived ratio requirement, applicable students must meet minimum product usage requirements for the approved product. A school district not meeting usage requirements with a product will be required to revert to the 4:1 ratio for supplemental instruction ([19 TAC §104.1001](#)).*

- 5. If a vendor on the RWL has materials for other subjects that are not specifically included on the list, such as science or social studies, can we use those materials to provide accelerated instruction?**

*School systems may use the products, but school systems may not waive the 4:1 ratio for those subjects since they are not named on the HB 1416 Ratio Waiver List. Additionally, direct instruction must be provided by a live in-person or virtual tutor trained on the use of the product.*

- 6. Does the HB 1416 Ratio Waiver List allow for changes to other parts of HB 1416?**

*No, these products only waive the presence of an in-person or virtual tutor in a 4:1 student-to-tutor ratio during supplemental instruction. The use of these products does not allow any other portion of the statute TEC Sec 28.0211 to be waived. This does mean using the tools provided by the vendors to closely monitor the usage fidelity of the products to ensure students are on track to completing their 15 or 30 hours of supplemental instruction prior to their next STAAR assessment.*

**7. What documentation is required to use a product on the HB 1416 Ratio Waiver List? What data is being collected and reported to TEA by the vendors on the HB 1416 Ratio Waiver List?**

*LEAs are expected to document the hours completed by students for all HB 1416 activities and will be required to submit this data via [PEIMS](#) starting this school year.*

*HB 1416 Ratio Waiver List vendors are required to provide efficacy data as part of the renewal process in order to remain on the list. They will need to collect state unique student IDs to be able to conduct this STAAR analysis to match with usage.*

**8. Are school systems required to obtain a signed permission form from participating students' parents/guardians when using a product on the HB 1416 Ratio Waiver List for the required accelerated instruction?**

*No, school systems are not required to secure signed permission forms from parents/guardians of participating students. However, school systems are required to notify parents/guardians when a product from the ratio waiver list is being used to provide the required accelerated instruction.*

**9. Are school systems allowed to use the new funds in the Educational Materials and Technology (EMAT) for Instructional Materials Review and Approval (IMRA) to purchase approved products on the HB1416 Ratio Waiver List (RWL)?**

*Supplemental materials must have IMRA approval, rather than RWL approval, for school systems to use the new EMAT funds. The SBOE will determine the approval status for these supplemental materials in November 2025. Funds will be available for use during the 2026-27 school year.*

## **G. PEIMS Summer Submission**

**1. What data will TEA collect to monitor effectiveness of accelerated instruction?**

*Beginning from the 2024-25 school year, TEA will collect data elements such as subjects, participation methods, and completion hours through the PEIMS Summer Submission process. School systems can access information regarding the new data elements and descriptor tables here [2024-2025-tds-early-notice-accelerated-instruction.pdf \(texasstudentdatasystem.org\)](#).*

*Beginning the 2025-26 school year, school systems will report if students used an HB 1416 Ratio Waiver List product for more than 50 % of their required hours.*

**2. If a student fails a STAAR EOC spring administration, retests in June and passes, how should a school system report this in PEIMS?**

*If a student fails a STAAR EOC spring administration, retests in June or December and passes, then the school system should report the hours of accelerated instruction assigned and the hours completed. The reason for the difference in hours will be that the hours were not completed before the next test administration. The student's passing score from the June or December administration serves as sufficient documentation if questioned by the TEA regarding the incomplete hours.*

3. 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?

*The Texas Records Exchange (TREx) allows school systems to send records on whether a student received accelerated instruction, the number of hours assigned, the number of hours provided, whether a parent opted out of requirements, and related subjects. The year-to-date number of hours completed should reflect the cumulative number of accelerated instruction hours provided to the student even if some of the hours were provided by a district other than the district sending the records.*

4. Can you provide a brief description of the reason for the difference in assigned and completed hours codes?

|                                                                                 |                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01- Student Withdrew                                                            | Student did not complete hours because he/she withdrew to leave the country, state, or enrolled in a private school or homeschool program                                                                                                   |
| 02- Parent Opt Out After Initial Acceptance                                     | Student completed hours but then the parent/guardian decided to opt the student out of accelerated instruction                                                                                                                              |
| 03- Student Did Not Attend Assigned Hours                                       | Student was present during the school day but did not attend the scheduled tutoring hours outside of regular school hours                                                                                                                   |
| 04- Failure To Meet Compulsory Attendance Requirements                          | Student was absent during the school day and missed scheduled tutoring hours, whether they were during school hours or outside of regular school hours                                                                                      |
| 05- Hours Not Completed Before Next Test Administration                         | Test administrations were too close together (EOC), the student transferred from another school district without completing some or all hours, or the school did not schedule accelerated instruction with enough time to meet requirements |
| 06- Unexpected School Closure                                                   | Natural disasters, pandemic, etc.<br>(infrequently used)                                                                                                                                                                                    |
| 07- Unable To Participate Homebound Or Other Off-Campus Instruction Arrangement | Student has a medical condition or is in a rehab clinic. (DAEP does not qualify.)                                                                                                                                                           |

- 5. If a student completes accelerated instruction in a school district and then transfers to a different school district, does the receiving school district have to include the student's accelerated instruction information with their summer PEIMS submission?**

*Yes, the district where the student is enrolled at the end of the school year must report the student's participation in accelerated instruction. This includes reporting the cumulative hours completed even if some of the hours were completed in another district. (Sending districts are required to include accelerated instruction in student records, if applicable, via TREx.)*

- 6. If a student withdraws during the school year, should the school district report that student as part of its PEIMS Summer submission?**

*School systems will report all students who were provided accelerated instruction in their Summer PEIMS submission.*

**Questions?** Visit the [TEA Accelerated Instruction webpage](#) or reach out to [Texas Tutoring Supports - Welcome to the TEA Help Desk](#).