

# Texas HB2 Article 5: Sections 5.17-5.26 - Incentives and Likely Results

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## 1 Opinionated Executive Summary: State Control Expansion Through Funding and Regulation

This law extends state control deeper and deeper into local education through complex funding mechanisms, teacher qualification mandates, and performance reporting requirements. Here are the main unintended results:

### 1.0.1 Funding Creates Dependence on the State

Districts get extra money for longer school days and reading programs, but only if they follow state rules and reporting. This will make schools focus more on following the rules than actually improving education. Districts become dependent on the state instead of finding their own solutions.

### **1.0.2 Teacher Requirements Limit Local Flexibility**

New rules for prekindergarten teachers and math training make all schools follow the same standards. These rules don't take into account what works best for each school. Districts have to follow complicated rules that are unlikely to match the needs of their community or teachers.

### **1.0.3 More Reporting, Less Focus on Students**

Changes to dyslexia screening and reporting add more work for schools with little hope of improving student learning. The focus will shift from helping students learn to just filling out forms and following state rules.

### **1.0.4 Fixed Plans Don't Fit Every School**

New rules for school improvement and turnaround plans require schools to use certain strategies, no matter what the school needs. Schools must follow state-approved plans that might not fix their unique problems or build on what already works well.

### **1.0.5 Open Resources, More State Control**

Open education resources are meant to give teachers flexible materials, but they come with more state control and reporting. Districts have to use state-approved materials and systems, which limits their ability to choose the best resources for their students and communities.

### **1.0.6 Funding Pushes the Wrong Focus**

Extra funding for reading programs and longer school days will push schools to focus on activities that bring in more money, instead of providing a well-rounded education. Districts might expand programs, not because they help students, but because they bring in more funding from the state.

### **1.0.7 The Real Issue**

These rules make it seem like the state is helping schools, but they actually give the state more control over what schools do. And, that is BAD news for students. They reduce local decision-making, add more paperwork, and make decisions based on one-size-fits-all state rules instead of what students and communities really need.

Like most of the rest of the new law, these sections promise flexibility while taking away local control and forcing standard solutions.



## 2 Detailed Analysis

### 2.1 Main Table

Search:

| Category  | Incentive Created   | Intended Result   |
|---|---|---|
| <input type="text" value="All"/>  | <input type="text" value="All"/>  | <input type="text" value="All"/>  |
| <b>Prekindergarten Teacher Qualification Requirements for Contracted Entities</b>       | Each teacher for prekindergarten class provided by contracted entity must be certified under Subchapter B Chapter 21 or supervised by qualified person            | Ensure prekindergarten teachers are certified through contract certification standards and employed directly  |
| <b>Prekindergarten Teacher Child Development Associate Credential Requirements</b>      | Prekindergarten teachers must have Child Development Associate credential or another early childhood education credential approved by agency                      | Establish minimum credential requirements for prekindergarten teachers to ensure high-quality early childhood education program quality                 |
| <b>Prekindergarten Teacher Experience Requirements in Accredited Programs</b>           | Prekindergarten teachers must have at least two years experience teaching in nationally accredited child care program or Texas Rising Star Program                | Require demonstration of high-quality early childhood education experience to ensure prekindergarten teachers have practical skills with young children |
| <b>Prekindergarten Teacher Montessori Certification Requirements</b>                    | Prekindergarten teachers may obtain certification through training center accredited by Association Montessori Internationale or Montessori Accreditation Council | Provide alternative pathway for prekindergarten teachers to obtain certification through recognized programs to expand the pool                         |
| <b>Prekindergarten Teacher Bilingual Student Instruction Certification Requirements</b> | Prekindergarten teachers must when appropriate be appropriately certified or supervised to provide effective instruction to emergent bilingual students           | Ensure prekindergarten teachers effectively serve students through appropriate instruction or qualified supervision                                     |
| <b>Prekindergarten Contracted Entity Application Requirements</b>                       | Subsections requiring prekindergarten teacher qualifications apply to any prekindergarten class provided by entity with which district contracts                  | Extend prekindergarten teacher qualification requirements to all contracted arrangements to ensure consistent quality models                            |
| <b>Resource Campus Performance Rating Eligibility Criteria Changes</b>                  | Campus must have received overall performance rating of D or F or Not Rated for three years over 10-year period instead of four years                             | Make resource campus performance rating more accessible by reducing rating threshold from four to three years over ten-year period                      |

## 2.2 Supplemental Tables

Title



All

### INCENTIVE CATEGORY ANALYSIS

Incentive Category

All

Dyslexia Screening Reading Instrument Integration Requirements

Dyslexia Screening Universal Criteria and Elements Identification Requirements

Early Education Allotment Funding for Kindergarten Through Third Grade

Early Education Allotment Required Use for Prekindergarten Programs

Early Education Allotment Required Use for Reading and Mathematics Improvement

Early Education Allotment Required Use for Teacher Academy Attendance

Early Education Allotment Student Qualification for Multiple Categories

Early Education Enhanced Allotment for Disadvantaged and Bilingual Students

Full-Day Prekindergarten Funding Distribution Mechanism

Full-Day Prekindergarten State Agency Distribution Authority

Open Education Resource Commissioner Fund Use Authorization

Open Education Resource Communication and Marketing Contract Authority

Open Education Resource Cost Offset Assistance Provisions

Open Education Resource Demand Response Requirements for 2024-2026

Open Education Resource District Assistance for Instructional Flexibility

Title



All

### NEGATIVE RESULT CODE FREQUENCY

Negative Result Code

All

C

D

E

F

A

G

Title



All

## KEY CODED PATTERN FINDINGS

| Finding                                      | Description              |
|--|--------------------------|
| All  | All                      |
| Most Universal Negative Pattern              | Codes C, D, F appear in  |
| State Dependency Complete Penetration        | Code C (state dependen   |
| Accountability Substitution Universal Impact | Code D (accountability   |
| Administrative Burden Nearly Universal       | Code E (administrative   |
| Local Control Complete Elimination           | Code F (local control re |
| People-as-Problem Concentrated Pattern       | Code G (people as prob   |
| Extrinsic Motivation Funding Corruption      | Code A (extrinsic motiv  |
| Most Problematic Policy Areas                | Resource campus requi    |
| Resource Campus Control Mechanism            | Resource campus desig    |

Title



## CODED ANALYSIS SUMMARY STATISTICS

| Metric                         |
|--------------------------------|
| Total Incentives Analyzed      |
| Most Problematic Code          |
| Most Frequent Code Combination |
| Policy Categories with Code C  |
| Policy Categories with Code F  |
| Average Codes per Incentive    |

## 2.3 Key List of Likely Negative Results

### 2.3.1 The evaluation codes are based on these axioms:

- Central planning (one size fits all) degrades everyone's performance
  - Makes nearly every district action a legal matter
  - Robs people of pride in their work
- Efforts at 'accountability' will not improve performance of anyone
- Cooperation within an organization is far more effective than competition
- All incentives work; some promote and some pervert the *intention* of the incentive

Search:

**Code** ♦ **Likely\_Negative\_Result** ♦

|          |  |
|----------|--|
| <b>A</b> | Decreases intrinsic motivation in favor of extrinsic motivation              |
| <b>B</b> | Decreases cooperation within districts in favor of competition for resources |
| <b>C</b> | Increases dependency on State funding and bureaucracy                        |
| <b>D</b> | Substitutes 'accountability' for improvement of the system people work in    |
| <b>E</b> | Increases district administrative burdens                                    |
| <b>F</b> | Decreases local control and flexibility                                      |
| <b>G</b> | Treats people as the 'problem', instead of the system they work in           |

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