

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

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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:

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.

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.

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.

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.

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.

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.

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.

Detailed Analysis

Main Table

Search:

Category	Incentive Created	Intended Result	Codes for Destructive Results We Will Actually Get
All	All	All	All
Prekindergarten Teacher Qualification Requirements for Contracted Entities	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 working through contracted entities meet same certification standards as teachers employed directly by districts	C, D, E, F
Prekindergarten Teacher Child Development Associate Credential Requirements	Prekindergarten teachers must have Child Development Associate credential or another early childhood education credential approved by agency	Establish minimum professional credential requirements for prekindergarten teachers to ensure early childhood education expertise and program quality	C, D, E, F, G
Prekindergarten Teacher Experience Requirements in Accredited Programs	Prekindergarten teachers must have at least two years experience teaching in nationally accredited child care program or Texas Rising Star Program	Require demonstrated experience in high-quality early childhood programs to ensure prekindergarten teachers have practical skills working with young children	C, D, E, F, G
Prekindergarten Teacher Montessori Certification Requirements	Prekindergarten teachers may obtain certification through training center accredited by Association Montessori Internationale or Montessori Accreditation Council	Provide alternative pathway for prekindergarten teacher certification through recognized Montessori training programs to expand qualified teacher pool	C, D, E, F
Prekindergarten Teacher Bilingual Student Instruction Certification Requirements	Prekindergarten teachers must when appropriate be appropriately certified or supervised to provide effective instruction to emergent bilingual students	Ensure prekindergarten teachers can effectively serve emergent bilingual students through appropriate certification or qualified supervision	C, D, E, F, G
Prekindergarten Contracted Entity Application Requirements	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 across service delivery models	C, D, E, F
Resource Campus Performance Rating Eligibility Criteria Changes	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 designation more accessible by reducing performance rating threshold from four years to three years over ten-year period	C, D, E, F
Resource Campus Targeted Improvement Plan Implementation Requirements	Campus must implement targeted improvement plan as described by Chapter 39A and establish school community partnership team	Ensure resource campuses implement comprehensive improvement strategies including community partnerships to address systemic performance challenges	C, D, E, F, G
Resource Campus Accelerated Excellence Turnaround Plan Requirements	Campus must adopt accelerated campus excellence turnaround plan as provided by Section 39A.105(b) with modified teacher effectiveness requirements	Require resource campuses to adopt intensive turnaround plans while reducing teacher effectiveness requirements to address staffing challenges	C, D, E, F, G
Resource Campus Local Teacher Designation System Requirements	Campus must be in school district that has adopted approved local optional teacher designation system under Section 21.3521	Connect resource campus designation to local teacher designation systems to ensure access to effective teachers and instructional leadership	C, D, E, F

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Supplemental Tables

Title
All
INCENTIVE CATEGORY ANALYSIS

Incentive Category	Number of Incentives
All	All
Dyslexia Screening Reading Instrument Integration Requirements	1
Dyslexia Screening Universal Criteria and Elements Identification Requirements	1
Early Education Allotment Funding for Kindergarten Through Third Grade	1
Early Education Allotment Required Use for Prekindergarten Programs	1
Early Education Allotment Required Use for Reading and Mathematics Improvement	1
Early Education Allotment Required Use for Teacher Academy Attendance	1
Early Education Allotment Student Qualification for Multiple Categories	1
Early Education Enhanced Allotment for Disadvantaged and Bilingual Students	1
Full-Day Prekindergarten Funding Distribution Mechanism	1
Full-Day Prekindergarten State Agency Distribution Authority	1
Open Education Resource Commissioner Fund Use Authorization	1
Open Education Resource Communication and Marketing Contract Authority	1
Open Education Resource Cost Offset Assistance Provisions	1
Open Education Resource Demand Response Requirements for 2024-2026	1
Open Education Resource District Assistance for Instructional Flexibility	1

Title
All
NEGATIVE RESULT CODE FREQUENCY

Negative Result Code	Frequency	Percentage
All	All	All
C	47	100
D	47	100
E	47	100
F	47	100
A	9	19.149
G	9	19.149

Title	
All	

KEY CODED PATTERN FINDINGS

Finding	Description
All	All
Most Universal Negative Pattern	Codes C, D, F appear in 100.000% of incentives, indicating universal state dependency, accountability substitution, and local control elimination
State Dependency Complete Penetration	Code C (state dependency) appears in 100.000% of incentives, representing complete state control over teacher qualifications, campus operations, and funding mechanisms
Accountability Substitution Universal Impact	Code D (accountability substitute) appears in 100.000% of incentives, replacing educational improvement with measurement, reporting, and compliance systems
Administrative Burden Nearly Universal	Code E (administrative burden) appears in 97.872% of incentives, creating extensive compliance overhead across teacher certification, campus operations, and funding requirements
Local Control Complete Elimination	Code F (local control reduction) appears in 100.000% of incentives, eliminating local flexibility in teacher hiring, program design, and resource allocation
People-as-Problem Concentrated Pattern	Code G (people as problem) appears in 23.404% of incentives, treating teachers, administrators, and students as problems requiring state correction through mandated qualifications and interventions
Extrinsic Motivation Funding Corruption	Code A (extrinsic motivation) appears in 23.404% of incentives, undermining intrinsic educational motivation through funding dependency and financial incentives
Most Problematic Policy Areas	Resource campus requirements and funding formula adjustments show highest concentrations of harmful codes, particularly treating educators as problems requiring state correction
Resource Campus Control Mechanism	Resource campus designation creates comprehensive state control mechanism over struggling schools through mandated staffing, programs, and operational requirements

Title	
CODED ANALYSIS SUMMARY STATISTICS	

Metric	Value
Total Incentives Analyzed	47
Most Problematic Code	Codes C, D, F (all appear 47 times each)
Most Frequent Code Combination	C, D, E, F (dependency + accountability + burden + control)
Policy Categories with Code C	47
Policy Categories with Code F	47
Average Codes per Incentive	4.4

Key List of Likely Negative Results

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

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