

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 142

49th Legislature, 2nd Session, 2010

Tracking Number: .180860.2

Short Title: Student Supplemental Services & Tutoring

Sponsor(s): Representative Eleanor Chávez and Others

Analyst: James Ball

Date: February 4, 2010

Bill Summary:

HB 142 amends the *Public School Code* related to supplemental educational services (SES) to require that:

- all tutoring services providers funded through the federal Title I program use a standards-based curriculum aligned with the school districts' approved curriculum;
- all tutors be appropriately trained to teach the curriculum; and
- tutoring service providers provide a minimum of 25 hours of instruction to all eligible students.

Finally, HB 142 is the subject of House Executive Message 46.

Fiscal Impact:

HB 142 makes no appropriation.

Fiscal Issues:

The Office of Education Accountability (OEA) reports that based on the Public Education Department (PED) district summary sheet for SES funding from Title I, available at the agency website, eligible districts and charter schools across the state received a total of approximately \$22.4 million to fund these services in school year 2009-2010.

Substantive Issues:

Analysis of HB 142 by PED indicates that PED rule currently requires that SES providers ensure that the academic services provided to each student are consistent with the individual school district curriculum and state performance standards. HB 142 could serve to confirm this requirement in state statute.

The PED analysis also states that the Title I application for SES funds submitted by school districts contains requirements that tutors be trained to teach the curriculum. While assurances on application forms clearly guide the funding agency and the school districts that are recipients of funds and while they may serve as conditions of reimbursement, application forms, in and of

themselves, do not have the force of law or rule. HB 142 could serve to solidify these requirements in state statute.

The analysis by the OEA questions the bill's requirement of a minimum of 25 hours, suggesting that some students may be well-served with fewer hours of tutoring.

The OEA analysis further indicates that the basic requirements for providers are minimal. A provider is "responsible for meeting the terms of the agreement" entered into with the district, which includes reaching the achievement goals established for a student, measuring student progress, informing parents and teachers of that progress, and adhering to a timetable for improving student achievement. Under federal guidance, states can establish program design criteria for providers and a range of acceptable rates that providers may charge to avoid exorbitant fees, but they are discouraged from micro-managing the program. The idea was to let the competitive market guide the program and give providers the freedom to compete for students.

Technical Issues:

The OEA analysis notes that HB 142 does not specify the time period over which the 25 minimum hours of tutoring services would be provided. For example, is it over a semester or the entire school year?

Background:

SES providers are part of the provisions of the *No Child Left Behind Act*. Districts pay for SES through their federal Title I funds, a portion of which supports tutoring activities.

Related Bills:

None as of 2-4-2010.