

Closing the Gap or Accelerating the Problems: A Discourse Analysis of Texas HB 4545

Abbie R. Strunc, Ph.D.

Sam Houston State University

Kimberly M. Murray, Ph.D.

Texas A&M University-Texarkana

Amber Godwin, Ph.D.

Sam Houston State University

Introduction

Covid-19, or SARS-CoV-2, disrupted much of life across the globe in 2020 with significant impact in the United States beginning in the spring of 2020. Students were sent home to school and, for the first time, parents and guardians experienced the challenges of schooling at home. As state and national authorities struggled to address the public health concerns, many also worried over the impact of educational losses for students thrust into a virtual learning environment without time to plan for the transition (Price et al., 2021). At the conclusion of the academic year in late spring of 2020, many educators, parents, legislators, and officials expressed concern for the upcoming school year and the modality in which the school year would be delivered. Texas governor, Greg Abbott, informed education officials that students would return to schools for in-person learning in the fall of 2020. Virtual options were also included for parents and students who were uncomfortable with a return to in-person learning (Swaby, 2020a).

Concern was expressed over the performance and pressures associated with asking educators to simultaneously teach in person and virtually or continue virtual instruction alone. An interview conducted in October of 2020 by the Texas Tribune reported that online learning presented “a system in which kids [were] failing, not necessarily because they [didn’t] understand the material, but because the process of teaching them [was] so broken that it [was] difficult to succeed” (Swaby, 2020b). These findings, rightly, do not blame the teachers but rather the process of teaching, specifically the vacillating decisions of policy makers and educational leaders in Texas during the summer of 2020. The direction offered was inconsistent and vague, so school districts and teachers were forced to implement policy with only weeks preceding the start of the 2020 – 2021 school year (Swaby, 2020b). In more population-dense areas of Texas, many districts decided to open the school year with all students learning virtually

while other areas of the state began the academic year with in-person and virtual options for students (Map, 2020).

Final guidance providing clarity to logistical concerns was not issued from Texas Governor Greg Abbott's office until July 30, 2020 (Swaby, 2020b; Jordan, 2020). As the 2020 – 2021 school year progressed, it became apparent that remote learning was not working for students or educators. The number of students failing increased rapidly through the fall semester of 2020 and, by November, parents, educators, and school administrators were calling for state educational leaders to address the situation. The Texas Education Agency (TEA), led by education commissioner, Mike Morath, acknowledged that the delay over the summer of 2020 to finalize guidance for schools contributed to the challenges presented in the fall.

The significant increase in the number of students failing one or more classes in Texas combined with the concern of educators, school administrators, and parents led Texas lawmakers to ask the TEA to apply for a federal waiver from standardized testing in November 2020. Texas Education Commissioner, Mike Morath, rejected the idea of foregoing STAAR tests, but did agree to administer the tests and withhold the usual A – F ratings assigned to school districts based upon student test scores (Swaby, 2020c).

The Texas Legislature's 87th regular legislative session passed House Bill 4545 on June 16, 2021 and required the bill to be implemented during the current academic school year (2021-2022). Briefly summarized, House Bill 4545 requires accelerated instruction for students who failed the State of Texas Assessments of Academic Readiness (STAAR). Additionally, this piece of legislation eliminates the grade retention and retesting requirements previously in place (Texas Education Agency, 2021). While the bill also includes information about a Texas Vetted Tutor Corps and Texas Covid Learning Acceleration Supports (TCLAS) funds to support

educational losses, the bulk of the legislation centers around supplemental instruction intended to catch students up from 18 months of learning challenges due to the COVID-19 pandemic (Dutton et al., 2021).

As a means of reconciling those 18 months of learning loss, students who failed the grades 3, 5, or 8 reading or math STAAR test will require accelerated learning committees to address individual student needs that are comprised of their principal (or designee), parent or guardian, and a teacher (must be teaching the subject the student failed). These committees must develop a plan of action to help students perform satisfactorily according to their grade-level and subject standards. To ensure student success, as an additional measure, students who were unsuccessful are to be placed in a classroom with a designated master, exemplary, or recognized teacher (Texas Education Agency, 2021). In addition, students are required to receive additional help compared to their peers, yet their regular schedule, including grade-based curriculum and recess, must remain the same as their peers. Also, committees must not serve more than three students during individualized instruction. Finally, the bill limits individualized instruction to 30 hours during the academic year. Implications include students needing more time at school for tutoring and additional instruction as well as additional assessments of student work to make up for pandemic educational losses. These requirements are outlined in Table 1 using adapted from language in H.B. 4545, 87th Regular Session. (Texas 2021).

Table 1*Accelerated Instruction Criterion*

<p>Accelerated instruction must include:</p> <ul style="list-style-type: none"> - Specific TEKS instruction - Supplemental instruction additional to the normal instruction - Added instructional time for no less than 30 hours in summer or the academic year - An aim of student passing the standardized grade-level test - Use of effective instructional materials - One-on-one or small group instruction in groups of three or less - A tutor who is trained in the materials by the school district - Tutoring is from the same person for all 30 hours, if possible - Parent or guardian choice of teacher, if possible <p><i>These cannot be offered during normal grade level instructional time or recess.</i></p>

This paper focuses on the ways in which House Bill 4545 frames problems created by the pandemic as well as solutions that schools must implement to reduce the gap in educational attainment from the previous year. We drew from our prior research on a sample of K-12 teachers in northeast Texas as well as other relevant literature to develop our study (Strunc & Murray, 2019). This paper adds to the literature on educational policy because we provide a discourse analysis of a recent and arguably highly impactful, educational policy in Texas. This analysis will also examine the role that stakeholders have upon the functioning of Texas schools and, more specifically, their impact on teachers. Finally, we utilize prior research to predict the impact that this policy may have on Texas schools' staff and students.

Literature Review: Educational Policy and Staff & Student Outcomes

Policy impacts all aspects of K-12 education in Texas, from state-wide assessments to local implementation. It also impacts the decisions and actions of teachers and administrators in the K-12 system. Decision making is a huge part of any professionals' work, and that includes the work of teaching. Teacher preparation programs are designed to help teacher candidates learn the skills, content, and practices that they need to make good decisions in the classroom.

This is notable because researchers have found that teacher attrition is an international problem (Amitai, & Van Houtte, 2022) but traditionally trained, certified teachers are more likely to stay in their jobs (Pivovarova and Powers, 2022). Still, “U.S. teachers see much higher attrition than their peers in most non-teaching occupations” (García, et al., 2022, p. 2). Diliberti et al. (2021) report that stress is the number one reason teachers quit their jobs early is due to factors such as inadequate salaries, but the Covid-19 pandemic only exacerbated other pre-existing stressors related to teaching outside of that such as the impact of maintaining stability in the profession (DeMatthews et al., 2022). Stability in a profession with pivoting policy can be especially daunting. “Policy documents ...promote recommendations that sound beneficial but can create tensions for teachers in their implementation,” (Herbst, et al., 2022, p. 15). Farley and Chamberlain (2021) found that policy can even create stress on such a level that it can impact the number of hours teachers sleep, stating that policy put into practice often relies on the teachers, although they rarely have a role in the decision-making process of the policy. They write:

Ultimately, we perceive education [sic] policy as critical to understanding the demands that teachers face, and the relationship between those demands and a shrinking fund of resources upon which teachers can draw... Teachers largely perceive policy as something that happens to them, often with disastrous results. (p. 310, 317).

Teachers are at a breaking point (Mervosh, 2022) and policy implementation is another blow; teachers feel not only unheard and undervalued, but that self-awareness also provides added stress to their lives both personally and professionally. The negative effects of educational policy coupled with the dialogues around implementation have the potential to reduce retention and recruitment rates of teachers.

Theoretical & Methodological Framework

Rogers et al. (2005) provide a literature review of critical discourse analysis in the field of education. They review its origins in the works of foundational texts and scholars and give a systematic review of five social science databases that mention critical discourse analysis from 1980-2003. Briefly summarized, the authors report that during the 1970s, there was a “transformation of linguistic theories and methods in the social sciences, from traditional linguistics to interactional linguistics, to critical linguistics,” and linguists “became aware that traditional linguistics needed to consider questions related to society” (p. 365). They also trace critical discourse analysis to three branches of academia: discourse studies, feminist post-structuralism, and critical linguistics (Rogers et al., 2005). In their conclusion, they argue one of critical discourse analysis’s strengths is its flexibility as it is “a hybrid set of theories and methodologies” (p. 387). To become too restrictive would lose sight of critical discourse analysis’s main goal which is examining “the specific conditions that shape peoples’ lives” (p. 387). Furthermore, Van Dijk provides further support for utilizing critical discourse analysis as a methodology primarily interested in and motivated by the need to understand pressing social issues (2006). We keep these goal in mind as we study our topic, keeping sight of the impact that House Bill 4545 has on peoples’ lives in Texas schools as well as the communities in which they are located. Our research backgrounds in education and sociology work well for this methodology due to its interdisciplinary application and relevance to both academic fields.

James Gee’s (2005) research on discourse analysis contains seven building tasks of language that are the constructs created as people absorb and make meaning of society and culture. The seven building tasks are: significance, activities, identities, relationships, politics (the distribution of social goods), connections, and signs and systems of knowledge (Gee, 2005). Gee (2011) notes that, in discourse analysis, texts are not always equitably distributed among the

seven building tasks. Rather, his work as a “theoretical linguist who worked on syntactic theory and the philosophy of language” (Rogers, 2011, p. 11) provides a framework for unpacking the situated meaning of texts. These tasks focus the discourse analysis, “to attend to the learning—how meanings are built and transformed over time” (Rogers, 2011, p. 12). Much of the analysis emerges from the significance task as the language in use in HB 4545 constructs significant meaning for the perception of public schools and student/teacher achievement.

The first building task is *significance*, because language is used to either denote significance or reduce it. In this bill, we identify the language used to denote significance and importance of the requirements placed upon local schools. We also identify ways in which the bill minimizes or fails to address potential problems and barriers to implementation.

The second is *practices* or activities that are socially backed and require that people participate in specific ways (i.e., in sequence or in combination with other activities or persons). We will identify which practices the bill is encouraging as well as the facilitators of these practices. Third is *identities*, which identifies the ways in which the language promotes a particular identity of stakeholders, school staff, parents/guardians, and students. Fourth is *relationships*, which focuses on the ways in which language establishes, supports, or challenges an exchange-based relationship between actors. We find examples from the bill that denote a specific type of relationship with actors. Are stakeholders looking to establish a symbiotic relationship with educational institutions, or is it a top-down exchange?

With the fifth building task, we review *politics*, which is how language makes assumptions about how social goods are distributed within society or, in our case, within educational institutions in the state of Texas. We identify language that attempts to convey that the bill is valuable for Texas schools. This is similar to what Alexander and Coveney (2013) did

in their critical discourse analysis of Canadian and Australian public health campaigns to fight childhood obesity. During their study, they found public health discourses put much of the responsibility for ending childhood obesity on parents. For example, the public was given “workbooks to monitor themselves and their activities and to responsibly adjust their physical activity behaviors” (p. 362). Sixth is *connections*, which happen when language is used to link a specific topic or process to another. We highlight the ways in which the bill is written to supplement or support other processes concurrently. Last is *sign system and knowledge*, which recognizes the types of language being used as opposed to other types of language. For example, does it privilege certain sign systems? One example of privileging a certain sign system might be the use of technical language versus everyday language. We will discuss the types of knowledge one must have to fully understand the bill as well as the style of writing and how it may impact one’s reading of the bill.

Our research considers language using Gee’s (2005) method, but there are others who have added to the discussion of discourse analysis and, in particular, critical discourse analysis. Taylor (2004) argued that “there has been relatively little published work on policy analysis in education which specifically uses [critical discourse analysis],” arguing that there has been much discussion about educational policy, yet it lacked the systematic review that critical discourse analysis requires (p. 435). Critical discourse analysis, according to Mullet (2018), “is a qualitative analytical approach for critically describing, interpreting, and explaining the ways in which discourses construct, maintain, and legitimize social inequalities” (p. 116). Additionally, it “seeks to uncover, reveal, and disclose implicit or hidden power relations in discourse” (p. 119). We ask:

- What are the underlying assumptions supporting the signs and systems of the bill?

- How might this language disenfranchise or support school staff and students?
- Who are the actors within this bill?
- Who are the actors that this bill affects?

To summarize, we use discourse analysis highlighted and practiced within the literature to analyze House Bill 4545. We examine the role that stakeholders have in the functioning of Texas schools and more specifically, their impact on teachers, administrators, and students.

Findings

Gee's Seven Building Tasks

After critically examining House Bill 4545 policy, we identify major themes within the document that are informed by Gee's (2005) work. Our findings are separated out by each building task, and each finding includes a discourse analysis question from Gee (2014) to use as a guide in the analysis.

Significance

The intent of this discourse analysis is to examine the language in use of HB 4545 to determine the significance of the legislation (Gee, 2014). The first building task, *significance*, uses language structure to denote the importance or lessen the importance of key constructs in the bill.

relating to the assessment of public-school students and the purchase of certain instruction-related materials, the establishment of a strong foundations grant program, providing accelerated instruction for students who fail to achieve satisfactory performance on certain assessment instruments, and an accelerated learning and sustainment outcomes bonus allotment under the foundation school program (H.B. 4545, 2021).

The introduction of the bill sets forth the goals of the legislation in summary form, but the repeated use of the word “assessment” indicates the significance of assessment in the text. The second independent phrase, “the establishment of a strong foundations grant program” is followed by the dependent phrase “for students who fail to achieve satisfactory performance on certain assessment instruments” (HB 4545, 2021). The emphases on performance and performance-based measures for students and teachers reflect the business model application of neo-liberal ideology (Apple, 2006). Within this business model, students and teachers are the units of production – students, based on their performance on the assessment, and teachers, based on their students’ performance on the assessment. In this way, it is possible for the public, governing, and bureaucratic agencies to judge the success or failure of students based upon the output of test scores. This places undue strain on teachers who are then tasked with assessment preparation rather than creating opportunities for authentic learning (Davis & Willson, 2015).

It is notable that the significance of test performance is noted repeatedly in the legislation. School districts are directed to “establish an accelerated learning committee...for each student who does not perform satisfactorily” on different elementary state grade-level assessments (Texas HB 4545, 2021). The bill, as noted in the media and claimed by politicians, sets forth a structure by which schools can catch students up from the learning losses experienced during the pandemic. The way students demonstrate their need is by not passing a state administered test. The significance continues to lie on performance- based, standardized outcomes which many critics claim is heavily biased toward white, upper middle-class students (Madrigal & Epstein, 2021). Texas HB 4545 (2021) continues in Section 39.023:

Each time a student fails to perform satisfactorily on the assessment

instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, seventh, or eight grade, the school district in which the student attends shall provide to the student in the applicable subject area during the subsequent summer or school year and either...the student to be assigned to a teacher who is certified as master, exemplary, or recognized...or provide the student supplemental instruction.

The language in use reveals the intent of the bill to continually monitor student assessment performance and perpetuates the idea that, if a student is unsuccessful on one of the assessments, it is either due to the student or that the student did not have a high-performing teacher designated as master, exemplary, or recognized. Throughout the bill, the language in use continues to construct the idea that teachers and schools are the primary determinants of the success of students on standardized assessments, except that, in the text of the bill, it is evident teachers and schools are not trusted to do their jobs.

...the commissioner shall provide guidelines to school districts on research-based practices and effective strategies that a district may use in developing an accelerated instruction program and may provide resources to districts to assist in the provision of an accelerated instruction program. (Texas HB 4545, 2021)

The lack of trust in teachers and schools is found further in the bill when the composition of accelerated learning committees is described. The committees must include a building administrator, or their proxy, student parent or guardian, and a teacher of assessed content area (Texas H.B. 4545, 2021). Research describes the importance of parent and school collaboration (Eccles & Harold, 1993, 1996). However, the implication of this language does not create the sense of collaboration, instead it establishes an adversarial tone in which the commissioner of

education exercises control over the curriculum and allows parents and guardians to select who they perceive to be a better teacher for their student.

Distrust of teachers and schools is further evidenced through who has the authority over the curriculum, which is found in the text of H.B. 4545 to be the commissioner of education. This position is appointed by the governor of Texas and has no term limits and is not required to have any experience in education, it does not have any additional requirements beyond appointment by the governor of Texas and American citizenship, according to the Texas Education Code 7 § 51.102 The current commissioner of education works in software development and previously served as school board trustee (Texas Education Agency, 2021). The lack of trust in schools and teachers is not only significant in the legislation but underlies a cultural lack of trust from the community and political entities. The language of legislation like this is that teachers are not trusted to be capable of teaching well without the influence and direction of politicians who frequently have no experience in a K-12 classroom beyond their own experiences of being a student.

Activities

In H.B. 4545, the language of creating distrust of schools and teachers is first, or is that language present because it already exists in the culture and practices in Texas? Gee (2011) suggests second building task requires that the activities or actions encouraged through the language in use are considered to understand the development of the practices, this is a question of which comes first. Consider this, H.B. 4545 encourages the practice of monitoring student performance as a tool to judge the success or failure of the accelerated instruction. This indicates that, if students are unsuccessful a second year, the district and Board of Trustees should be involved in determining why. Subsection f mandates “the board of trustees of each school district

shall adopt a policy consistent with the grievance process...to allow a parent to contest the content or implementation of an educational plan developed under subsection f”. (HB 4545, subsection f, 2021). The language in use in the bill encourages boards of trustees to expect parental challenges and distrust of the additional learning provided to their students, and again uses language that disempowers teachers.

Identities

H.B. 4545 (2021) provides a construct for the identity of commissioner of education in Texas as trustee and as an expert in curriculum and schooling (Gee, 2011). The commissioner, in the bill, is tasked with “using funds available to the commissioner...the commissioner may purchase curriculum programs, instructional materials, and other instructional tools to provide for use by school districts”. In another section of the bill, the commissioner is authorized to provide materials and resources to districts. Additionally, H.B. 4545 (2021) creates the Strong Foundations Grant with funds to implement accelerated learning programs. This part states that the “commissioner shall adopt components that school districts, open-enrollment charter schools, and campuses of the districts or schools must” use for the tutorial program. The bill also allows the commissioner to accept gifts or other contributions which support accelerated learning and includes the caveat that such gift givers could be awarded.

Of further importance is the text which changes Texas Administrative Code (TAC), the governing rules for public education in Texas, adding the identities encouraged by H.B. 4545. At the conclusion of section 9, the bill reads “the commissioner shall adopt rules to determine whether a school district or open-enrollment charter school is complying adequately with the requirements” (Texas H.B. 4545, 2021). If the district or charter school is not found in compliance, the law provides for interventions or the possibility of a conservatorship. Supporters

of these actions are likely to claim this is accountability, but the actions encouraged here continue to perpetuate the lack of confidence and belief in the ability of schools and teachers to make instructional and curricular decisions in the best interest of students. Instead, the language in use encourages the identity of *expert* and *overseer* to belong to the commissioner of education.

Relationships

Section 10 of H.B. 4545 (2021) reaffirms the relationship of students as units of production in what Apple (2017) refers to as “neoliberal marketized solutions to educational problems” (p.149). In H.B. 4545, school districts are “entitled to...annual outcomes bonus[es]” for students who pass the accelerated learning markers set forth by the legislation (2021). Students classified as “not educationally disadvantaged” earn the school district \$500, while those students who are “educationally disadvantaged” and meet the success markers in the bill earn the district \$1,000 per student.

This exemplifies the neoliberal mentality Apple (2017) describes as “grounded in the belief that the more we marketize, the more we bring corporate models into education, and the more we can hold schools’, administrators’, and teachers’ feet to the fire of competition, the better they will be” (p. 149). The pay for performance mentality does exhibit the neoliberal, market-based, business model perspective which continues to pervade public education policies in the last 40 years. There is little empirical evidence to support the rationale for the effective use of this model, but political and cultural norms have continued to embrace this perspective from the 1980s and beyond (Apple, 2006; Apple, 2017; Gardiner & O’Keefe, 2017).

Politics

The fifth building task examines the politics of language in use and the social status assigned to things like, in this instance, schools, teachers, school districts, and even students, as

the social goods. The language of the bill assigns positive or negative connotations to these things and people, the syntax used assigns guilt and blame to school districts, and specifically teachers, in the framing of the “exemplary, master, or recognized” teacher, implying that teachers without this distinction are not skilled or capable. Further denying public schools a positive connotation as a social good is the language in the opening of the bill which says, “to leverage state purchasing power and ensure cost-effective use of taxpayer funds, the commissioner [of education] may contract on behalf of a school district...to purchase any item for instructional purposes ... provided ... the district ... dedicates local funds for the purpose” (Texas H.B. 4545, 2021). The legislature, through the language in use within the bill, indicates a lack of trust that teachers without the specified designations are competent, capable, and able to skillfully educate students to be successful on a standardized assessment. It also implies that school district officials, be it superintendents or others, are unable to purchase credible and cost-effective instructional materials, so the commissioner of education is better suited to the purchase. A poor view of public education reveals the neoliberal mindset Apple writes about which drives the clamor for school choice as the solution to “failing” public schools (2006; 2017), another underlying implication that is found clearly in the semantics of the bill that again undermines teachers and schools.

Connections

The *connections* building task reflects the way in which language connects or disconnects different constructs. Gee (2011) notes that humans use language to establish the notion that certain ideas are related to the other. Texas H.B. 4545 establishes a situated meaning for teachers and schools in which the state assessments are connected to the quality of the teachers. The language present in the bill refers to “exemplary, master, or recognized” teachers as the

educators that parents or guardians want to ensure their student has if the student was not previously successful on an assessment. This connects the value and evidence of learning to a test score for the student. The language does not reflect the growth of a student, include any potential circumstances outside of school, nor does it include consideration of the work, preparation, training, and effort of teachers to educate and grow students of varying abilities in their classrooms. The connections in the bill create situated meaning and reinforce the implication that schools are social goods which are successful or unsuccessful base upon student test scores on a flawed test (Gardiner & O’Keefe, 2017).

Signs Systems and Knowledge

Gee’s (2011) seventh building task, signs systems and knowledge, considers the way in which sign systems or knowledge, a manner of learning about the world, are elevated to a position of privilege? Texas H.B. 4545 privileges the commissioner of education over the schools and teachers. The commissioner of education has the authority, in the language in use of the bill, to determine curricula. The commissioner selects materials as the overseer of state finances because the implication is that schools cannot be trusted to make sound financial decisions, which in the case of the commissioner could also be influenced by gifts and other incentives.

Summary

We identified three themes within the discourse and educational policy in Texas educational institutions that are problematic in implementation. First, the situated meaning developed in the language of the bill reinforces the neoliberal educational structures in which a market and business model foundation is applied to education (Apple, 2006). In this system, students, teachers, and schools are valued based upon student outputs. In Texas, this is namely

performance on state mandated assessments. Student performance then assigns value to teacher performance and earns the school and district a grade, primarily focused on student testing outcomes. This drives the narrative that schools are either successful or failing and, if schools are failing, then the market, in neoliberalism, encourages choice (Apple, 2017). Competition, on the surface, implies much of what is expected in a free market economy, that may feel familiar and appropriate for an economic system, and may increase accountability on the surface, in theory. However, putting this into practice in schools broadens educational disparity (Apple, 2017).

A second theme from this discourse analysis is distrust of teachers and schools to make appropriate curricular and instructional decisions. The language in use within the text of the bill undercuts the expertise and wisdom of teachers and schools and replaces their discretion and judgment with that of the commissioner of education, who is not a trained educator (TEA, 2021).

Instead, the third theme is understood as the text elevates the commissioner of education to an overseer role and allows that position to spend funds, allocate resources, and select the curricula, despite the absence of qualifying requirements for the position beyond appointment by the governor. The language in use from the text of HB 4545 sets up educators to take the fall for lack of educational progress – not policy makers or agencies charged with executing the policies. The language in use creates a figured world in which teachers, administrators, and schools will shoulder the blame when the policy does not support student needs.

Discussion and Conclusion

This research has explored power dynamics involved with educational policy discourse development, contexts surrounding House Bill 4545, ways in which the bill impacts school environments, potential barriers regarding the language and delivery of the bill, and its potential impact on larger social problems facing educational institutions in general.

Based upon our previous work (Strunc & Murray, 2019), we also think years of experience may help explain the impact of the bill on teachers. For example, a teacher with 20 years of experience has most likely experienced multiple waves of educational policy throughout their tenure. Although a new teacher may find this bill to be intimidating and overwhelming in practice, a teacher with more experience may have developed coping methods to take the bill in stride, making them less reactive with new policy changes, “it is also possible that policymaking be improved if researchers find ways of listening to and aggregating the wisdom of teachers,” (Herbst, et al., 2022, p. 17). We hope this work will inform current debates about Texas educational policy as well as help teachers and community members develop and maintain a stronger, more powerful voice within the larger discussion of Texas educational policy.

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