

BILL ANALYSIS

H.B. 3557
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Due to a decline in attendance and the hardships caused by the pandemic, many believe that students across Texas have experienced a significant learning decline. This may affect students not only for the current academic year but also for the rest of their academic career. H.B. 3557 seeks to help parents better manage how best to meet the future educational needs of their children by giving a parent more influence over whether their child should retake a grade or course.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 4, 5, and 6 of this bill.

ANALYSIS

H.B. 3557 amends the Education Code to create a parental option by which students may repeat or retake a course or grade at home-rule school districts, campus or campus program charters, and open-enrollment charter schools. The bill authorizes a parent or a guardian to elect for a student to do the following:

- repeat prekindergarten or, if the student would have been eligible to enroll in free prekindergarten during the previous school year and the student has not yet enrolled in kindergarten, enroll in prekindergarten;
- repeat kindergarten or, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in the first grade, enroll in kindergarten;
- for grades one through eight, repeat the grade in which the student was enrolled during the previous school year; and
- for courses taken for high school credit, repeat any course in which the student was enrolled in during the previous school year.

The bill authorizes a parent or guardian to make an election for a student in grades four through eight or for courses taken for high school credit, or both.

H.B. 3557 prohibits a parent or guardian from electing for a student to repeat a course taken for high school credit if the district or charter school determines the student has met all of the requirements for graduation. The bill's provisions relating to repeating grades four through eight and courses taken for high school credit apply for students who repeat courses from the 2020-2021 school year during the 2021-2022 school year and for students who otherwise enroll during the 2021-2022 school year. Those provisions expire September 1, 2022.

H.B. 3557 requires an election made by a parent or guardian under the bill's provisions to be made in writing to a district or charter school, as applicable. If the district or charter school disagrees with such an election, the district or charter school must convene a retention committee and meet with the parent or guardian to discuss retention. This meeting must be conducted in person unless an alternative means is agreeable to the parent or guardian. The bill prohibits the retention of a student under the bill's provisions if the parent or guardian does not meet with the retention committee. The bill sets out the composition of a retention committee and required actions for a committee. The bill requires the parent or guardian, after participating in the retention committee meeting, to decide whether the student should be retained or retake a grade or course. The district or charter school must abide by the decision of the parent or guardian.

H.B. 3557 requires a student who receives a passing grade or who earns credit for a high school course to retain a school district's or charter school's original assignment of a grade or award of credit when a student is retained under the bill's provisions, unless the school district or charter school adopts a policy to a different effect. The bill requires retention of a student under a parent's or guardian's election to be considered the same as retention of a student by a district or charter school. The rights of a parent or guardian to student retention transfers to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

H.B. 3557 authorizes the commissioner of education to adopt rules to implement the bill's provisions relating to the parental option for student retention and requires the commissioner to adopt rules, for purposes of implementing statutory provisions governing average daily attendance (ADA), that allow a repeated grade or course to qualify for ADA even if the student previously passed or earned credit for the grade or course, if the grade or course would otherwise be eligible.

H.B. 3557 requires the Texas Education Agency to study whether students retained under the bill's provisions should be considered at-risk. The commissioner may adopt a rule excluding students retained by a parent or guardian from being considered a "student at risk of dropping out of school."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.