

SUBJECT: Allowing parents to elect for a student to repeat a grade or course

COMMITTEE: Public Education — favorable, without amendment

VOTE: 13 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

WITNESSES: For — (*Registered, but did not testify*: Grover Campbell, TASB; Michael Lee, Texas Association Rural Schools; Linda Litzinger, Texas Parent to Parent; Ashley Ford, The Arc of Texas)

Against — (*Registered, but did not testify*: Starlee Coleman, Texas Public Charter Schools Association)

On — (*Registered, but did not testify*: Eric Marin, Von Byer, Leonardo Lopez, and Monica Martinez, Texas Education Agency; Thomas Parkinson)

BACKGROUND: The COVID-19 pandemic has created learning hardships for many public school students during the current academic year, including declines in student enrollment, particularly in the earliest grades. Interested parties note that parents should have the right to determine how best to meet the future educational needs of their children, including determining whether they should repeat a grade or course.

DIGEST: HB 3557 would permit a parent or guardian to elect for a student to repeat a grade or a course from the 2021-2022 school year.

Pre-K, kindergarten. A parent could elect for a student to repeat prekindergarten or enroll in kindergarten if the student would have been eligible to enroll in prekindergarten during the previous school year and had not yet enrolled in kindergarten. A parent could elect for a student to repeat kindergarten or enroll in kindergarten if the student would have been eligible to enroll in kindergarten in the previous school year and had

not yet enrolled in first grade.

Elementary, middle school. For grades 1 through 8, a parent could elect for a student to repeat the grade in which the student was enrolled during the previous school year.

High school. For courses taken for high school credit, a parent could elect for a student to repeat any course in which the student was enrolled during the previous school year. A parent could not elect for a student to repeat a high school course if the district or charter school determined the student had met all of the requirements for graduation.

The bill's provisions for repeating grades 4 through 8 and retaking high school courses would expire September 1, 2022.

Retention committee. A parent would have to make an election under provisions of HB 3557 in writing to a school district or charter school, as applicable.

If a district or charter school disagreed with a parent's election, it would have to convene a retention committee and meet with the parent to discuss retention. Such a meeting would have to be conducted in person unless an alternative means was agreeable to the parent. A retention committee would have to be composed of:

- the principal or designee;
- the student's parent or guardian;
- the teacher who taught the grade or course for which the parent wanted the student retained or repeated; and
- additional teachers at the discretion of the principal if the student would potentially repeat multiple courses.

The committee would have to discuss the merits of and concerns with advancement and retention and review the student's grades, test results, and other available academic information to determine the student's readiness for the next grade or a given course.

The bill would require the parent, after participating in a retention committee meeting, to decide whether the student should be retained or retake a grade or course. The school would have to abide by the parent's decision.

Grades. A student who received a passing grade or who earned credit for a high school course would retain that assignment or award of credit when the student was retained under the bill, unless the school district or charter school adopted a different policy.

Other provisions. The rights of a parent or guardian under the bill would transfer to a student who was 18 years of age or older or who had the disabilities of a minor removed, unless the student was under a form of guardianship that continued after the student turned 18.

HB 3557 would require the Texas Education Agency to study whether students retained under bill's provisions should be considered at-risk.

A grade or course repeated under the bill's provisions would qualify for average daily attendance even if the student previously passed or earned credit for the grade or course, if the grade or course would otherwise be eligible.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.