

BILL ANALYSIS

Senate Research Center
79R4906 SLO-F

S.B. 1717
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Education
4/15/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Texas bases grade level retention of students on a single test score. Policies, curriculum, and instruction geared primarily to secure high test scores do not provide a legitimate education for our students. Tests do provide a good way to measure student performance. However, they cease to be useful when used in isolation of other academic measures or when high-stakes consequences like student promotion or retention of grade level are attached. When tests are used inappropriately as a single measure of performance, they are invalid and have unintended adverse consequences.

As proposed, S.B. 1717 would not remove tests from a student's education but allows multiple criteria such as the teacher's evaluation, the student's grades, and the student's overall performance, including test results. The decision making for advancement should be in the hands of those who know the child best- their teachers, principals, and school counselors.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 28.0211, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.0211, Education Code, by amending Subsections (a) and (c)-(f) and adding Subsections (a-1), (b-1), and (d-1), as follows:

(a) Makes conforming changes.

(a-1) Requires a school district to establish a grade placement committee to determine whether to promote or retain a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a). Requires the grade placement committee to be composed of the student's principal or the principal's designee, the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily, and a counselor at the student's school, or in the student's school district if the student's school does not have a counselor. Requires the district to notify the student's parents or guardian of the student's failure to perform satisfactorily on the assessment instrument and certain grade placement committee procedures.

(b-1) Authorizes the grade placement committee to decide to promote a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level. Authorizes the standards adopted by the board of trustees to include certain student information.

(c) Requires the grade placement committee, if it decides not to promote a student under Subsection (b-1), to prescribe, accelerated instruction for the student for the remainder of the school year and authorizes it to prescribe accelerated instruction for the time school is recessed for the summer. Requires the accelerated instruction to include reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. Deletes existing text relating to requirements for each time a student fails to perform satisfactorily on an assessment instrument; who are the members of the

assessment committee; providing accelerated instruction to a student; and committee assessment procedures.

(d) Authorizes the grade placement committee to decide in favor of a student's promotion after a student has received accelerated instruction as provided by Subsection (c) if the committee concludes, using the same standards adopted by the board of trustees under subsection (b-1), that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level.

(d-1) Prohibits a student from being retained on the basis of the grade placement committee's decision unless that decision is unanimous. Requires the commissioner of education by rule to establish a time line for making the placement determination.

(e) Requires a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is not promoted by the grade placement committee under Subsection (b-1) or (d), rather than after failing at least three attempts, to be retained at the same grade level for the next school year in accordance with Subsection (a). Authorizes the student's parent or guardian to appeal the student's retention by submitting a request to the grade placement committee established under Subsection (a-1) to reconsider its decision under Subsection (d), rather than Subsection (c). Provides that Subsections (b-1) and (d) and this subsection do not create a property interest in promotion. Deletes existing text relating to the authorization of the grade placement committee to decide in favor of the student's promotion; the decision must be unanimous; establishing a time line for making placement determination; and the decision of the grade placement is final and may not be appealed.

(f) Makes conforming changes.

SECTION 2. Repealer: Section 28.0211(b) (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction), Education Code.

SECTION 3. Makes application of Section 28.0211, Education Code, as amended by this Act, prospective to the 2005-2006 school year.

SECTION 4. Effective date: upon passage or September 1, 2005.