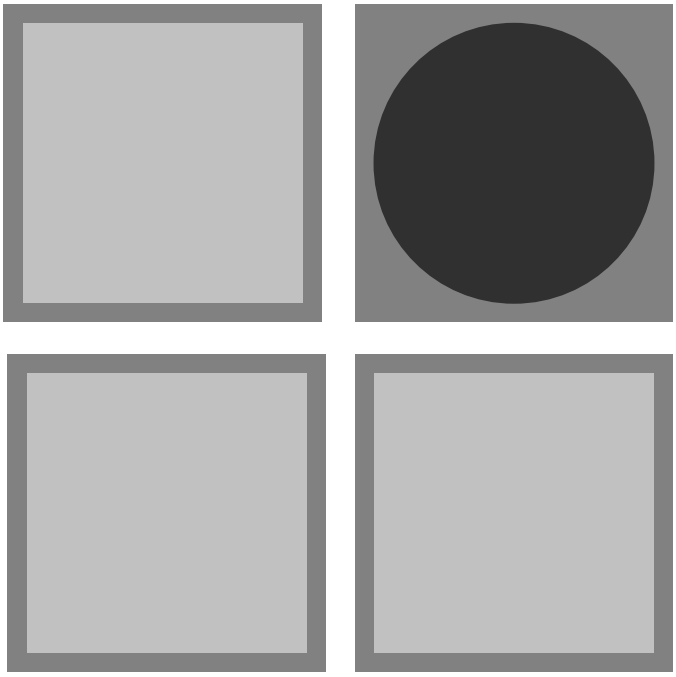
Grade-Level Retention and Student Performance in Texas Public Schools, 2014-15



Division of Research and Analysis
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Highlights

- Under TEC §28.0211 (2016), students in Grades 5 and 8 are6

History of Promotion Policies in Texas

provided to students in Grades K-8 who would otherwise be retained. To fund the programs, school districts could reduce the number of instructional days during the regular school year by five.

In 1995, the Texas Education Code was reviewed and readopted. In the new code, the provisions on promotion, , reiterated that students be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level (TEC §28.021, 1996). At the same time, the language regulating local promotion and retention policies was repealed. In April 1996, the SBOE rules regulating local policies, including restrictions on the number of times students could be retained in grade, were also repealed. The definition of students at risk of dropping out was carried forward (TEC §29.081, 1996).

In 2002-03, a new, more rigorous state assessment system, the Texas Assessment of Knowledge and Skills (TAKS), was introduced. Like the TAAS, the TAKS was aligned with the state curriculum, measuring the extent to which a student learned and was able to apply the knowledge and skills defined in the TEKS at each grade level tested.

In response to statutory requirements, the TAKS was replaced by the more rigorous State of Texas Assessments of Academic Readiness (STAAR) beginning in 2011-12 (TEC Chapter 39, 2010). STAAR is aligned with the TEKS and provides the foundation for the accountability system for Texas public education. In Grades 3-8, STAAR assesses the same grade-specific subjects that were assessed with the TAKS. In high school, however, grade-specific assessments have been replaced by end-of-course (EOC) assessments. Although 15 EOCs were originally required to graduate for students who started Grade 9 in 2011-12, the 83rd Texas Legislature reduced the requirement to five assessments in 2013: Algebra I, Biology, English I, English II, and U.S. History. To comply with graduation standards already in place, high school students who began Grade 9 in 2010-11 or earlier continue to take grade-specific TAKS assessments.

the provision for students who fail the third administration of a Grade 5 or Grade 8 test, which occurs during the summer. To help districts and charter schools meet the requirement, the Texas Education Agency developed a waiver allowing promotion of such students to the next grade level prior to the completion of accelerated instruction. A district or charter school applying for the waiver in 2014-15 was required to: identify the intensive instruction each student needed; target the instruction to the STAAR objectives on which each student demonstrated weakness; ensure each student completed the instruction during the first six weeks of the school year; and document that each student completed the instruction. In addition, the GPC is responsible for developing a plan that will provide the student with ongoing instructional support during the next school year.

In 2011, the 82nd Texas Legislature directed that a student in Grade 5 or Grade 8 who is enrolled in a course above the student's grade level or for which the student will receive high school credit is not required to take a grade-level state assessment in the corresponding subject (TEC §28.0211, 2011).

Because performance standards for STAAR had not been established in time for student promotion decisions, promotion criteria for Grades 5 and 8 that were based on state assessment results were suspended in 2011-12. Instead, promotion criteria developed entirely at the district level were in effect. Statutory promotion criteria, including requirements that students receive three opportunities to pass the reading and mathematics tests, GPCs be established, and accelerated instruction be provided, were made effective again in 2012-13 and remained in effect in 2013-14.

In 2014-15, the STAAR mathematics tests were updated to reflect the revised mathematics TEKS adopted by the State Board of Education in 2012. As a result of these changes, performance standards for 2015 STAAR mathematics tests in Grades 3-8 were not set until after the spring 2015 administration. In addition, Student Success Initiative (SSI) retest opportunities for STAAR mathematics tests in Grades 5 and 8 were not offered in May and June of 2015. Districts were instructed to use other relevant academic information in place of STAAR mathematics results when making promotion and retention decisions. SSI requirements for reading remained in effect in 2014-15.

Definitions and Calculations

Retention Definition

Retention Rate Calculations

Student Performance on the State of Texas Assessments of Academic Readiness

Student Performance on the State of Texas Assessments of Academic Readiness

STAAR was the primary statewide assessment of student performance in 2015 and 2016. Spanish-version reading and mathematics tests were given to students in Grades 3-5 receiving mostly native language instruction. STAAR L was an online, linguistically accommodated test for English language learners taking a mathematics, science, or social studies assessment. STAAR L was not offered for reading or writing assessments. wa

In 2011, the Texas Legislature amended TEC §28.0211 (2011), stipulat

Retention and Student Performance

Statutory Requirements

Passing Rates

State of Texas Assessments of Academic Readiness Scores

Statutory Requirements

State of Texas Assessments of Academic Readiness Scores

Students in Grades 3-8 promoted at the end of the 2014-15 school year had average scale scores on the English- and Spanish-language versions of the 2015 State of Texas Assessments of Academic Readiness (STAAR) reading and mathematics tests that exceeded the passing standards (Figure 1 and Table 2). Students who were retained had lower scale scores than students who were promoted. In 2015, retained students at all grade levels had average scale scpromF, e1 and T RTom4d-9(l)-13.6(e)]T0 T3c

	English-version scale score				Spanish-version scale score			
	Reading		Mathematics		Reading		Mathematics	
Status	2015	2016	2015	2016	2015	2016	2015	2016
Grade 3								

Student Success Initiative Grade Advancement Summary

The Student Success Initiative (SSI) stipulates that students in Grades 5 and 8 can advance to the next grade level only by passing the state reading and mathematics assessments or by unanimous decision of a grade placement committee (GPC) (TEC §28.0211, 2016). For the 2014-15 school year, the commissioner suspended the SSI requirement that students in these grades pass the mathematics assessment. This section of the report analyzes 2015 STAAR performance and promotion status for Grades 5 and 8. A companion report,
(Texas Education Agency, 2016), presents retention data by student characteristics and program participation.

In the tables and figures that follow, results for students in Grades 5 and 8 are presented based on SSI grade advancement criteria. Promotion criteria for this report were based only on reading performance. Students who passed a grade-level reading test or took an advanced-level reading test were categorized as meeting criteria. Students who failed a grade-level reading test were catTd[(w)6.6(er).9(t)6.3(t)-3(i)-2.

STAAR performance[b]	Total	Promoted		Retained		Unknown[a]	
		Number	Percent	Number	Percent	Number	Percent
Grade 5							
Passed reading	320,591	320,207	99.9	384	0.1	0	0.0
Failed reading	48,999	46,361	94.6				

Grade 5

Note. Results are based on STAAR and STAAR A combined. Parts may not add to 100 percent because of rounding.
[a]Under Texas Education Code §28.0211 (2016), students in Grades 5 and 8 were

Appendix
Statute and Rules About Grade-Level Retention and the Student Success Initiative

Texas Education Code §§28.021 and 28.0211

Texas Administrative Code §§101.2001-101.2019

(f)

Texas Administrative Code
§§101.2001-101.2019

The following sections of the Texas Administrative Code are current as of September 2016.

§101.2001. Policy.

(a) School districts shall implement grade advancement requirements in accordance with this subchapter and the Texas Education Agency (TEA) procedures outlined in the official Student Success Initiative manual, published annually by the TEA. As specified in §101.2009 of this title (relating to Notice to Parents or Guardians), school districts will make public at the beginning of the school year grade advancement requirements as determined by the school district.

(b) In addition to local policy relating to grade advancement, except in cases where a student is testing above grade level as specified in the Texas Education Code (TEC), §28.0211(o), a student in Grade 5 or Grade 8 shall demonstrate proficiency in reading and mathematics as required by the TEC, §28.0211(a), in order to advance to the next grade. The assessment grade promotion requirements of the TEC, §28.0211(a), shall be in effect beginning with the 2012-2013 school year. Demonstrated proficiency is defined under this section as meeting the satisfactory passing standard on the appropriate assessment instruments specified by §101.2003(a) of this title (relating to Grade Advancement Testing Requirements) or on a state-approved alternate assessment authorized in §101.2011 of this title (relating to Alternate Assessment). The standard in place when a student first takes a Grade 5 or Grade 8 mathematics or reading assessment is the standard that will be maintained for all subsequent retest opportunities for that student. A student who does not demonstrate proficiency as de10.9(Ta st)8.3(at) ts not t9(T)-8.S9( )]TJ0 Tc 0 Tw 0 -1.159.3(s)-2.3(not)-4.6(o)2(n)2(t)-2.6(.3(not)-4.69(en)2

(d) A student in Grade 5 or Grade 8 may not be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

§101.2007 of this title (relating to Role of Grade Placement Committee), shall make its decisions in consultation with a member of the student's LPAC. Assessment decisions must be made on an individual basis and in accordance with procedures established by the TEA.

(f) As specified in §101.1005 of this title, decisions regarding assessments for ELLs who receive special education services shall be made by the ARD committee in conjunction with the LPAC.

(g) In accordance with the TEC, §28.021(b), decisions regarding a student who has dyslexia and is eligible under this section shall consider the student's potential for achievement or proficiency in the assessed subject.

§101.2005. Test Administration and Schedule.

(a) The Texas Education Agency (TEA) shall establish the test administration procedures in the applicable test administration materials. The superintendent of each school district and chief administrative officer of each charter school shall be responsible for following these procedures and maintaining the integrity of the test administration and the security and confidentiality requirements, as specified in Chapter 101, Subchapter C, of this title (relating to Security and Confidentiality).

(b) The TEA shall provide three opportunities per year for the tests required for grade advancement as specified in the Texas Education Code, §28.0211(a). The commissioner of education shall specify the dates of these administrations in the assessment calendar. Additional test opportunities will not be provided.

(c) The superintendent of each school district and chief administrative officer of each charter school shall establish procedures to ensure:

(1) that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual student basis; and

(2) that each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including the administration of an alternate assessment, as provided under §101.2011(a) of this title (relating to Alternate Assessment), so that the Grade Placement Committee has sufficient evidence for its review upon appeal by a parent or guardian.

(d) A campus or district must accommodate the request of an out-of-district student to participate in the third administration of a test required for grade advancement if that campus or district is testing one or more local students on the applicable test and if the out-of-district student has registered to take the test by a date determined by the TEA.

§101.2006. Accelerated Instruction.

(a) Each time a student fails to perform satisfactorily on an assessment instrument administered under the Texas Education Code (TEC), §39.023(a), (b), or (c), the school district or charter school shall provide the student with accelerated instruction in the applicable subject. A student failing to perform satisfactorily on an end-of-course assessment under the TEC, §39.023(c), must be provided the appropriate accelerated instruction before the next administration of the applicable assessment as specified by the TEC, §29.081(b-1).

(b) Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. Each school district and each charter school shall be responsible for providing transportation to students required to attend accelerated instruction programs if these programs occur outside of regular sa]

(b) The GPC shall be composed of the principal or principal's designee, the student's parent or guardian, and the student's teacher(s) of the subject of the grade advancement assessment(s) on which the student has failed to demonstrate proficiency. If this teacher is unavailable,

parent or guardian of the opportunity to appeal the automatic retention of the student. The district shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of this retention notification.

(f) If an appeal has been initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances and in accordance with standards adopted by the local school board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the GPC's decision is unanimous and the student has completed all required accelerated instruction specified in §101.2006 of this title. The review and final decision of the GPC must be appropriately documented as meeting the standards adopted by the local school board and made in conformance with procedures specified in the Student Success Initiative manual and as required by §101.2001(b) of this title (relating to Policy). These standards must include consideration of the following:

(1) the recommendation of the student's teacher;

(2) the student's grades;

(3) the student's assessment scores; and

(4) any other necessary academic information as determined by the district.

(g) In accordance with the TEC, §28.0211(e), the placement decision by the GPC shall be made

required for grade advancement the next year. The superintendent must establish the instruments/procedures to be used to make this determination. This notice shall include accelerated instruction participation requirements as stipulated by §101.2006 of this title (relating to Accelerated Instruction) and be provided before the end of the school year preceding the grade advancement requirements.

(c) The district shall establish procedures to notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of district receipt of student assessment results from this administration. This notice shall include the student's assessment results, a description of the grade advancement policy, the required accelerated instruction to which the student has been assigned under §101.2006 of this title, and the possibility that the student might be retained at the same grade level for the next school year.

confidentiality delineated in Subchapter C of this chapter (relating to Security and Confidentiality).

§101.2015. Parental Waiver.

The superintendent of each school district and chief administrative officer of each charter school shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required acceleration and is subject to retention based on the failure on the second test administration.

§101.2017. Scoring and Reporting.

In accordance with §101.3014 of this title (relating to Scoring and Reporting), the scoring contractor will provide school districts with the results of the assessments required by the Texas Education Code, §28.0211, or, if applicable, the results of the alternate assessment specified in §101.2011 of this title (relating to Alternate Assessment), within ten working days following the receipt of the test materials from the school district or charter school.

§101.2019. Credit for High School Graduation.

(a) Students who have been retained in Grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained.

(b) The school board of each district and each charter school may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, this policy may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus.

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Compliance Statement

Title VI, Civil Rights Act of 1964, the Modified Court Order, Civil Action 5281, Federal

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