

BILL ANALYSIS

Senate Research Center
78R2851 ESH-D

S.B. 1055
By: Van de Putte
Education
4/9/2003
As Filed

DIGEST AND PURPOSE

Currently, Texas law places great weight on an individual test score, and does not consider the student's record as a whole, when considering grade promotion. National standards require test scores to be used as one of several criteria when making "high stakes" decisions regarding children. According to the majority of studies, retention in grade does not lead to increased academic achievement, and does lead to increased dropout rates. As proposed, S.B. 1055 establishes alternative compensatory promotion criteria for students in the third through the eighth grade, to be used in conjunction with current assessment instruments in determining whether a student is promoted to the next grade level.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 28B, Education Code, by adding Section 28.0212, as follows:

Sec. 28.0212. ALTERNATIVE COMPENSATORY PROMOTION CRITERIA. (a) Requires the commissioner of education (commissioner) to prescribe, by rule, alternative compensatory promotion criteria that a student may meet to be promoted to certain grade levels.

(b) Requires the alternative compensatory promotion criteria to include certain requirements.

(c) Requires a committee composed of certain school officials to determine whether a student who has not performed satisfactorily on the assessment instruments specified by Section 28.0211(a)(1), (2), or (3) (Satisfactory Performance on Assessment Instruments), has met the alternative compensatory promotion criteria prescribed under Subsections (a) and (b). Requires, if the student is an individual with a disability as defined by 29 U.S.C. Section 705(20), the committee established by the school district in compliance with Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and its subsequent amendments, to determine whether the student has met the alternative compensatory promotion criteria. Provides that the committee's decision is final and may not be appealed.

(d) Requires the committee described by Subsection (c) to determine whether a student who has not performed satisfactorily on an assessment instrument specified by Section 28.0211(a)(1), (2), or (3) (Satisfactory Performance on Assessment Instruments), has met the alternative compensatory promotion criteria prescribed under Subsections (a) and (b) following each administration of the assessment instrument. Provides that if the committee determines that the student has met the alternative compensatory promotion criteria, the student is not subject to Section 28.0211 (Satisfactory Performance on Assessment Instruments) for the grade level promotion for which the determination is made.

(e) Provides that this section does not create a property right in promotion to the next grade level.

(f) Requires a student to meet certain criteria, notwithstanding this section.

SECTION 2. Amends Sections 28.0211(a) - (f) and (i), Education Code, as follows:

(a) Includes Section 28.0212 as an exception.

(b) Includes a student who does not meet the alternative compensatory promotion criteria prescribed under Section 28.0212 as a student the school district is require to provide at least two additional opportunities to take the assessment.

(c) through (f) and (i) make conforming changes.

SECTION 3. Provides that Section 28.0212, Education Code, as added by this Act, applies beginning with the 2003-2004 school year.

SECTION 4. Effective date: upon passage or September 1, 2003.