

BILL ANALYSIS

H.B. 2703
By: Olivo
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Education Code contains many criteria that will designate a public school student as a "student at risk of dropping out of school," ranging from failing grades to disciplinary problems to involvement with the criminal justice system. A student who does not advance from one grade to the next for one or more school years receives such a designation. The non-advancement criteria makes sense for a student retained for unsatisfactory academic performance. However, a parent will sometimes voluntarily retain a child in prekindergarten or kindergarten solely for developmental reasons, perhaps because the child has a birthday late in the year, giving the child more time to mature before progressing through elementary school.

Developmental retention of a child with a late birthday is recommended by many educators and developmental counselors. However, the Education Code makes no distinction between the developmental retention of a prekindergarten or kindergarten student by the parent and the retention of a prekindergarten or kindergarten student because of unsatisfactory academic performance.

H.B. 2703 establishes that a student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level solely as the result of the request of the student's parent.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2703 amends the Education Code to establish that a student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student's parent, notwithstanding the provision establishing failure to advance from one grade level to the next for one or more school years as a risk factor for dropping out of school.

H.B. 2703 makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.