

By: Leach

H.B. No. 615

A BILL TO BE ENTITLED

AN ACT

relating to removing certain requirements for public school grade-level promotion that are based on satisfactory performance on state assessment instruments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 28.0211, Education Code, is amended to read as follows:

Sec. 28.0211. ~~[SATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED.]~~ ACCELERATED INSTRUCTION.

SECTION 2. Section 28.0211, Education Code, is amended by amending Subsections (b), (c), (d), (e), (f), (i), and (n) and adding Subsection (e-1) to read as follows:

(b) A school district shall provide to a student who initially fails to perform satisfactorily on a fifth or eighth grade mathematics or reading ~~[an]~~ assessment instrument ~~[specified]~~ under Section 39.023 ~~[Subsection (a)]~~ at least two additional opportunities to take the assessment instrument. ~~[A school district may administer an alternate assessment instrument to a student who has failed an assessment instrument specified under Subsection (a) on the previous two opportunities. Notwithstanding any other provision of this section, a student may be promoted if the student performs at grade level on an alternate assessment instrument under this subsection that is appropriate for the student's grade level and approved by the commissioner.]~~

1 (c) ~~[Each time a student fails to perform satisfactorily on~~
2 ~~an assessment instrument specified under Subsection (a), the school~~
3 ~~district in which the student attends school shall provide to the~~
4 ~~student accelerated instruction in the applicable subject area,~~
5 ~~including reading instruction for a student who fails to perform~~
6 ~~satisfactorily on a reading assessment instrument.]~~ After a
7 student fails to perform satisfactorily on an assessment instrument
8 specified under Subsection (b) a second time, a grade placement
9 committee shall be established to prescribe the accelerated
10 instruction the district shall provide to the student before the
11 student is administered the assessment instrument the third time.
12 The grade placement committee shall be composed of the principal or
13 the principal's designee, the student's parent or guardian, and the
14 teacher of the subject of an assessment instrument on which the
15 student failed to perform satisfactorily. The district shall
16 notify the parent or guardian of the time and place for convening
17 the grade placement committee and the purpose of the committee. An
18 accelerated instruction group administered by a school district
19 under this section may not have a ratio of more than 10 students for
20 each teacher.

21 (d) In addition to providing accelerated instruction to a
22 student under Subsection (c), the district shall notify the
23 student's parent or guardian of:

24 (1) the student's failure to perform satisfactorily on
25 the assessment instrument; and

26 (2) the accelerated instruction program to which the
27 student is assigned~~[, and~~

1 ~~[(3) the possibility that the student might be~~
2 ~~retained at the same grade level for the next school year].~~

3 (e) For each [A] student who, after at least three attempts,
4 fails to perform satisfactorily on an assessment instrument
5 specified under Subsection (b), ~~[(a) shall be retained at the same~~
6 ~~grade level for the next school year in accordance with Subsection~~
7 ~~(a). The student's parent or guardian may appeal]~~ the student's
8 ~~[retention by submitting a request to the]~~ grade placement
9 committee established under Subsection (c) shall determine whether
10 the student qualifies for promotion. In determining whether a
11 student qualifies for promotion, the student's grade placement
12 committee shall consider:

13 (1) the recommendation of the student's teacher in
14 each subject or course;

15 (2) the student's grade in each subject or course;

16 (3) the student's score on each applicable assessment
17 instrument administered under Section 39.023; and

18 (4) any other academic information designated for
19 consideration by the board of trustees of the school district.

20 (e-1) ~~[The school district shall give the parent or guardian~~
21 ~~written notice of the opportunity to appeal.]~~ The grade placement
22 committee may decide in favor of a student's promotion only if the
23 committee concludes, using standards adopted by the board of
24 trustees, that if promoted and given accelerated instruction, the
25 student is likely to perform at grade level. A student may not be
26 promoted on the basis of the grade placement committee's decision
27 unless the student completes all accelerated instruction

recommended by the committee and the committee's ~~[that]~~ decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination. This subsection does not create a property interest in promotion. The decision of the grade placement committee is final and may not be appealed.

(f) A school district shall provide to a student who, after three attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (b) ~~[(a)]~~ accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee established under Subsection (c). The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained. The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

(i) The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter A ~~[B]~~, Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (b) ~~[(a)]~~ and administered under Section 39.023(a) or (b) shall determine:

1 (1) the manner in which the student will participate
2 in an accelerated instruction program under this section; and

3 (2) whether the student will be promoted [~~or retained~~]
4 under Subsections (e) and (e-1) [~~this section~~].

5 (n) A student who is promoted by a grade placement committee
6 under this section must be assigned in each subject in which the
7 student failed to perform satisfactorily on an assessment
8 instrument specified under Subsection (b) [~~(a)~~] to a teacher who
9 meets all state and federal qualifications to teach that subject
10 and grade.

11 SECTION 3. Sections [28.0211](#)(a), (a-2), (g), (o), and (p),
12 Education Code, are repealed.

13 SECTION 4. This Act applies beginning with the 2017-2018
14 school year.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section [39](#), Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.