

BILL ANALYSIS

Senate Research Center
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H.B. 3803
By: Cunningham et al. (Paxton)
Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Texas Education Agency, students started the 2020-2021 school year an average of 3.2 months behind in the wake of the COVID-19 pandemic. Two school years later, many students continue to struggle to catch up, which poses serious negative consequences for their future academic careers and future earning potential. This in turn would have severe negative consequences for the Texas economy in aggregate if left unaddressed.

Last session, the legislature unanimously passed S.B. 1697, which gave parents the authority to choose to have their child repeat a high school course, or an entire grade, instead of the school district having the sole decision authority. However, this bill had a sunset provision for 4th-12th grade.

Parents know their child best and parents should have the authority to guide decisions regarding their child's education, regardless of the grade the child is in. In recognition of this, the proposed legislation reinstates the language permitting parents of 4th through 12th grade students to choose to have their child repeat grades or high school level courses.

H.B. 3803 amends current law relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.

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 Section 28.02124, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes a parent or guardian, subject to Subsection (c) (relating to requiring the school district or open-enrollment charter school, if a school district or an open-enrollment charter school disagrees with an election, to convene a retention committee and meet with the parent or guardian to discuss retention), to elect for a student to, for grades one through eight, rather than for grades one through three, repeat the grade in which the student was enrolled during the previous school year.

(a-1) Authorizes a parent or guardian, subject to Subsection (c), for courses taken for high school credit, to elect for a student to repeat any course in which the student was enrolled in during the previous school year. Prohibits a parent or guardian from electing for a student to repeat a course under this subsection if the school district or open-enrollment charter school determines the student has met all of the requirements for graduation.

(a-2) Authorizes a parent or guardian to make an election under Subsection (a)(5) (relating to authorizing a parent or guardian to elect for a student to, for grades one through three, repeat the grade in which the student was enrolled during the previous school year) or (a-1), or both.

SECTION 2. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 3. Effective date: upon passage or September 1, 2023.