

AN ACT

relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.

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

SECTION 1. Section 28.02124, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Subject to Subsection (c), a parent or guardian may elect for a student to:

(1) repeat prekindergarten;

(2) enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153(b) and the student has not yet enrolled in kindergarten;

(3) repeat kindergarten;

(4) enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or

(5) for grades one through eight [~~three~~], repeat the grade in which the student was enrolled during the previous school year.

(a-1) Subject to Subsection (c), for courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled in during the

1 previous school year. A parent or guardian may not elect for a  
2 student to repeat a course under this subsection if the school  
3 district or open-enrollment charter school determines the student  
4 has met all of the requirements for graduation.

5 (a-2) A parent or guardian may make an election under  
6 Subsection (a)(5) or (a-1), or both.

7 SECTION 2. This Act applies beginning with the 2023-2024  
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3803 was passed by the House on April 27, 2023, by the following vote: Yeas 146, Nays 2, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3803 was passed by the Senate on May 16, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor