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Texas Education Agency
Division of Research and Analysis
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History of Promotion Policies in Texas Through 2022-23

Texas policy on student promotion and retention decisions has evolved over the past four

first-grade objectives in the Essential Elements – the state-mandated curriculum in place at that time. The pilots were extended to the second grade in 1994-95.

School districts not receiving retention reduction grants could apply to the commissioner of education for approval to provide extended year programs (TEC §21.563, *Optional Extended Year Program*, 1994). Optional extended year programs (OEYPs) of up to 45 days in length could be provided to students in Grades K-8 who would otherwise be retained. To fund the programs, school districts could reduce the number of instructional days in the regular school year by five.

In 1995, the Texas Education Code was reviewed and readopted. In the new code, the provisions on promotion, *Student Advancement*, reiterated that students be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level (TEC §28.021, 1996). At the same time, the language regulating local promotion and retention policies was repealed. In April 1996, the SBOE rules regulating local policies, including restrictions on the number of times students could be retained in grade, were also repealed. The definition of students at risk of dropping out was carried forward (TEC §29.081, 1996).

The 1995 TEC revisions included a single set of provisions for extended year programs (TEC §29.082, 1996). Commissioner of education rules implementing the OEYP were adopted to be effective in May 1996 (19 TAC §105.1001, 1997). Districts were required to promote each student who attended at least 90 percent of the extended year program days, unless the student's parents requested that the student be retained. If the parents requested retention, the student's principal, teacher, and counselor were required to meet with the parents to provide information on the effects of retention on future academic performance, student self

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writing at Grades 4, 8, and 10; and in science and social studies at Grade 8. The Grade 10 tests served as an exit-level examination. As was the case under the previous testing program, the Texas Educational Assessment of Minimum Skills (TEAMS), satisfactory performance on the exit-level examination was a prerequisite to a high school diploma.

In 2002-03, a new, more rigorous state assessment system, the Texas Assessment of Knowledge and Skills (TAKS), was introduced. Like the TAAS, the TAKS was aligned with the state curriculum, measuring the extent to which a student learned and was able to apply the knowledge and skills defined in the TEKS at each grade level tested.

In response to statutory requirements, the TAKS was replaced by the more rigorous State of Texas Assessments of Academic Readiness (STAAR) beginning in 2011-12 (TEC Chapter 39, 2010). High school students who began Grade 9 in 2010-11 or earlier continued to take grade-specific TAKS assessments to comply with graduation standards already in place. STAAR is aligned with the TEKS and provides the foundation for the accountability system for Texas public education. In Grades 3-8, STAAR assesses the same grade-specific subjects that were assessed with the TAKS. In high school, however, grade-specific assessments have been replaced by STAAR end-of-course (EOC) assessments. Although 15 EOCs were originally required to graduate for students who started Grade 9 in 2011-12, the 83rd Texas Legislature reduced the requirement to five assessments in 2013: Algebra I, Biology, English I, English II, and U.S. History.

Senate Bill (SB) 149, passed by the 84th Texas Legislature in 2015,(s)8.995 (l)-3.995 (a)8.995 (t)-3.995 (ur)-3.007 (8r

amended (Title 29 of the United States Code §794 [Section 504], 2024

Statutory promotion criteria, including requirements that students receive three opportunities to pass the reading and mathematics tests, GPCs be established, and accelerated instruction be provided, were made effective again in 2012-13 and remained in effect in 2013-14.

In 2014-15, the STAAR mathematics tests were updated to reflect the revised mathematics TEKS adopted by the State Board of Education in 2012. As a result of these changes, performance standards for 2015 STAAR mathematics tests in Grades 3-8 were not set until after the spring 2015 administration. In addition, SSI retest opportunities for STAAR mathematics tests in Grades 5 and 8 were not offered in May and June of 2015. Districts were instructed to use other relevant academic information in place of STAAR mathematics results when making promotion and retention decisions. SSI requirements for reading remained in effect in 2014-15.

In 2015-16, the administration of STAAR tests was affected by online testing issues and reporting issues with the state's testing vendor. As a result, the June administration of the Grades 5 and 8 STAAR reading and mathematics tests was not offered. Furthermore, SSI requirements for Grades 5 and 8 were suspended. Districts were instructed to use other relevant academic information in place of STAAR reading and mathematics results when making promotion and retention decisions.

In 2016-17, the administration of STAAR tests went as planned. Statutory promotion criteria, including SSI requirements that students in Grades 5 and 8 receive three opportunities to pass the reading and mathematics tests, GPCs be established, and accelerated instruction be provided, were made effective again.

For the 2017-18 school year, SSI requirements were not in place for all students for two reasons. First, after Hurricane Harvey, the commissioner of education gave all districts within the 47-county area identified in the presidential disaster declaration the option to opt out of the June administration of the Grades 5 and 8 mathematics and reading assessments. Second, students who experienced online testing issues during the spring administration of the assessments and who did not perform satisfactorily on the May 2018 assessment were not required to retest during the June administration. In both cases, the commissioner suspended the requirement that districts convene GPCs for affected students and directed districts to use local discretion and other relevant academic information in place of STAAR reading and mathematics results when making promotion and retention decisions.

In 2018-19, the administration of STAAR tests went as planned. Statutory promotion criteria,

In 2020-21, because of the continued effects of the COVID-19 pandemic, the commissioner of education issued a waiver related to SSI promotion requirements. STAAR reading and mathematics tests for Grades 5 and 8 were administered only once, and retest opportunities were not offered. Additionally, SSI promotion requirements for Grades 5 and 8 were suspended. Districts and charter schools were instructed to use STAAR test results along with other relevant academic information when making promotion and retention decisions and to provide accelerated instruction to students who did not perform satisfactorily on the tests. SSI requirements for Grades 5 and 8 were eliminated after the 2020-21 school year.

In 2021, the 87th Texas Legislature passed SB 1697, allowing a parent or guardian of a student in a public school district or charter school to elect for the student to repeat a grade between prekindergarten and Grade 8 or to retake a high school course (TEC §28.02124, 2022). Students in prekindergarten through Grade 3 may still be retained at the request of a parent or guardian, but per statute, this option expired at the end of the 2021-22 school year for students in Grades 4-12. In 2023, the 88th Texas Legislature passed HB 3803, once again allowing a parent or guardian of a student in Grades 4-12 to elect for the student to repeat a grade or retake a high school course (TEC §28.02124, 2024, amended to be effective June 13, 2023).

HB 4545, passed in 2021 by the 87th Texas Legislature, established new requirements for accelerated instruction for students who do not pass STAAR tests (TEC §28.0211, 2022; 19 TAC §104.1001, 2024, adopted to be effective June 9, 2022). Beginning in the 2021-22 school year, the new requirements (a) eliminate SSI retesting and grade retention requirements for students in Grades 5 and 8 who do not pass the tests; (b) require districts to establish accelerated learning committees for students in Grades 3, 5, and 8 who do not pass the STAAR reading or mathematics tests; and (c) clarify prior accelerated instruction requirements for students who do not pass STAAR tests in Grades 3-8 or STAAR EOC tests.

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