

History of Promotion Policies in Texas Through 2022-23

Texas policy on student promotion and retention decisions has evolved over the past four decades. Legislation passed in 1984 prohibited social promotion, requiring instead that students be promoted only on the basis of academic achievement (Texas Education Code [TEC] §21.721, *Grade Requirement for Advancement or Course Credit*, 1986). The State Board of Education (SBOE) rules implementing the legislation, *Promotions and Alternatives to Social Promotion* (Title 19 of the Texas Administrative Code [TAC] §§75.191-75.195, 1985), outlined the grading procedures to be used by districts and guidelines for promotion. The rules included the provisions that no student could repeat the same grade more than once or repeat more than two grade levels during the elementary grades.

In 1987, legislation was enacted to expand TEC §21.557, *Compensatory and Remedial Instruction* (1988). The legislation provided a definition of students in Grades 7-12 considered to be at risk of dropping out of school and required districts to provide remedial and support programs for these students. The definition of "at-risk" students included students who had not advanced from one grade level to the next in two or more school years.

In 1991, the rule prohibiting retention of students below Grade 1 was amended to allow districts to assign six-year-old students who were not developmentally ready for the first grade to grades deemed appropriate by the schools (19 TAC §75.195(j), 1992 Supplement).

Also in 1991, legislation updated TEC §21.721 (1992) to eliminate the prohibition on advancement of students with grade averages below 70. Policies on advancement from one grade level to the next were to be adopted by school districts. Local policies on promotion had to incorporate a variety of factors, including a minimum yearly grade average of 70; course grades earned in each subject; performance on the Texas Assessment of Academic Skills (TAAS); extenuating circumstances; and the judgment of parents and teachers. Districts were required to consider alternatives to retention, including extended school day, extended school year, specialized tutorial support, peer tutoring, cross-age tutoring, student mentoring, and summer programs.

A retention reduction grant program was enacted in 1993 (TEC §21.562, 1994). A \$5 million appropriation allowed 54 Texas school districts to pilot extended instructional programs to eliminate retentions in first grade during the 1992-93 school year. The retention reduction grants allowed school districts and campuses to offer programs based on lengthening the school year as alternatives to retention. These programs provided additional instruction to students who needed extra assistance to master the

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-esteem, and high school completion. The commissioner of education was directed to withhold 5 percent of the Foundation School Program compensatory education allotment to finance extended year programs. This increased the allocation for extended year programs for students in Grades K-8 who were identified as not likely to be promoted to approximately \$50 million per year. Districts could use portions of their compensatory education allotments or apply for state funds to implement extended year programs. Although districts had to apply for state OEYP funds, they were no longer required to apply for approval to operate OEYPs funded locally.

The promotion policies implemented in Texas public schools in 2002-03 built on the state curriculum and assessment programs that had been developed over many years. In 1984, Texas first adopted a state curriculum, known as the Essential Elements (19 TAC Chapter 75, Subchapters B-D, 1984). Over the years, the rigor of knowledge and skills required of students increased. A revised curriculum, the Texas Essential Knowledge and Skills (TEKS), was adopted by the SBOE and became effective on September 1, 1998 (19 TAC Chapters 110-128, 1998). By state law and SBOE rule, the TEKS in the foundation areas of English language arts and reading, mathematics, science, and social studies are required for use in instruction and statewide assessment. The TEKS have been widely distributed to schools and to the public. Professional development on TEKS implementation in the classroom has been available statewide.

The state testing program known as TAAS was introduced in 1990. When last administered in 2002, the TAAS measured mastery of the state curriculum in reading and mathematics at Grades 3-8 and 10; in

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, revised the state's assessment graduation requirements for students enrolled in Grade 11 or 12 (TEC §28.0258, 2016; 19 TAC §101.3022, 2024, amended to be effective August 9, 2022). The revised requirements were extended by the legislature in 2017 and 2019 and were made permanent by House Bill (HB) 1603 in 2021 (TEC §28.0258, 2022). Under the requirements, a student who fails an EOC assessment for no more than two of five required courses may receive a Texas high school diploma if the student is determined to be qualified to graduate by an individual graduation committee (IGC) (19 TAC §74.1025, 2024, amended to be effective February 10, 2020; 19 TAC §101.3022, 2024, amended to be effective August 9, 2022). A student receiving special education services is not subject to IGC requirements. The student's admission, review, and dismissal (ARD) committee determines whether the student is required to achieve satisfactory performance on an EOC assessment to graduate. If the ARD committee determines the student is not required to achieve satisfactory performance on an EOC assessment, the student is considered to be in compliance with assessment requirements under TEC §39.025 (2022). In 2021, in response to the COVID-19 pandemic, the Texas Legislature passed HB 999, which modified the graduation performance requirements for students in Grade 12 in the 2020-21 school year (TEC §28.0258, 2022). Under the modified requirements a student could graduate in 2020-21 via an IGC determination, regardless of the number of EOC assessments the student failed, and the IGC was not required to consider performance on EOC assessments when determining whether the student was qualified to graduate.

State testing procedures allow accommodations on STAAR for students who need them. Several accommodations are available to eligible students, including content and language supports, spelling assistance, supplemental aids, and extra time to complete assessments. ARD committees and placement committees for students served under Section 504 of the Rehabilitation Act of 1973, as

amended (Title 29 of the United States Code §794 [Section 504], 2024; Title 34 of the Code of Federal Regulations, Part 104, 2024), determine which accommodations can be used by students receiving special education services and Section 504 services, respectively. When a student does not receive special education or Section 504 services but meets the eligibility criteria for testing accommodations, the decision is made by the appropriate team of people at the campus level, such as the response to intervention (RtI) team or the student assistance team. Emergent bilingual students/English learners (EB students/ELs) may also receive accommodations on the statewide assessments, and EB students/ELs in Grades 3-5 may be provided Spanish-language versions of tests when available. Language proficiency assessment committees (LPACs) make assessment and accommodation decisions for EB students/ELs.

In 1995, Texas statute was amended to stipulate that "a student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level" (TEC §28.021, 1996). In 1999, specific provisions linking test performance, promotion, and instruction were added (TEC §28.0211, 1999). From 2002-03 to 2008-09, students in Grade 3 were required to pass the state reading test to advance to Grade 4. Student Success Initiative (SSI) requirements for Grade 3 were eliminated after the 2008-09 school year. Students in Grade 5 were required to pass the state reading and mathematics tests beginning in 2004-05. Students in Grade 8 were required to pass the reading and mathematics tests beginning in 2007-08. Through the 2010-11 school year, students in Grades 5 and 8 were given three opportunities to pass the TAKS. School districts were required to provide accelerated instruction in the subject areas failed after each test administration (TEC §28.0211, 2010).

If a student failed the test a second time, the district was required to establish a grade placement committee (GPC) to determine the accelerated instruction the student would receive before the third testing opportunity. A student who failed to perform satisfactorily on the third opportunity was required to be retained. A parent or guardian could appeal the retention decision to the GPC. The GPC could decide in favor of advancement if committee members unanimously concluded, based on standards adopted by the local school board, that the student was likely to perform on grade level if given additional accelerated instruction during the next school year.

In 2009, the 81st Texas Legislature stipulated that students in Grade 5 or Grade 8 who failed the state reading or mathematics assessment must complete accelerated instruction before they may be promoted to the next grade level (TEC §28.0211, 2010). Districts anticipated difficulty implementing the provision for students who failed the third administration of a Grade 5 or Grade 8 test, which occurred during the summer. To help districts and charter schools meet the requirement, the Texas Education Agency developed a waiver that allowed promotion of such students to the next grade level prior to the completion of accelerated instruction.

In 2011, the 82nd Texas Legislature directed that a student in Grade 5 or Grade 8 who is enrolled in a course above the student's grade level or for which the student will receive high school credit is not required to take a grade-level state assessment in the corresponding subject (TEC §28.0211, 2011).

Because performance standards for STAAR had not been established in time for student promotion decisions, promotion criteria for Grades 5 and 8 that were based on state assessment results were suspended in 2011-12. Instead, promotion criteria developed entirely at the district level were in effect.

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, 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.

In spring 2020, the governor of Texas used the statutory authority granted under Texas Government Code §418.016 (2024, amended to be effective September 1, 2013) to suspend annual academic assessment requirements for the 2019-20 school year because of COVID-19. All STAAR administrations scheduled for April, May, and June 2020 were canceled. 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 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.

References

- Rehabilitation Act of 1973. 29 U.S.C. §794 (2024), retrieved May 2, 2024, from <http://uscode.house.gov/view.xhtml?path=/prelim@title29/chapter16&edition=prelim>; 34 C.F.R. Part 104 (2024), retrieved May 2, 2024, from <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104>
- Texas Administrative Code, Title 19, Education. (1984). St. Paul, MN: West Publishing.
- Texas Administrative Code, Title 19, Education. (1985). St. Paul, MN: West Publishing.
- Texas Administrative Code, Title 19, Education. (1992, Supplement). St. Paul, MN: West Publishing.
- Texas Administrative Code, Title 19, Education. (1997). St. Paul, MN: West Group.
- Texas Administrative Code, Title 19, Education. (1998). St. Paul, MN: West Group.
- Texas Administrative Code, Title 19, Education. (2024). Retrieved May 2, 2024, from [http://texreg.sos.state.tx.us/public/tacctx\\$.startup](http://texreg.sos.state.tx.us/public/tacctx$.startup)
- Texas Education Code. (1986). *Texas school law bulletin*. St. Paul, MN: West Publishing.
- Texas Education Code. (1988). *Texas school law bulletin*. St. Paul, MN: West Publishing.
- Texas Education Code. (1992). *Texas school law bulletin*. St. Paul, MN: West Publishing.
- Texas Education Code. (1994). *Texas school law bulletin*. St. Paul, MN: West Publishing.
- Texas Education Code. (1996). *Texas school law bulletin*. St. Paul, MN: West Publishing.
- Texas Education Code. (1999). *Texas school law bulletin*. St. Paul, MN: West Group.
- Texas Education Code. (2010). *Texas school law bulletin*. St. Paul, MN: Thomson Reuters.
- Texas Education Code. (2011). *Texas school law bulletin*. St. Paul, MN: Thomson Reuters.
- Texas Education Code. (2016). *Texas school law bulletin*. Charlottesville, VA: Matthew Bender.
- Texas Education Code. (2022). *Texas school law bulletin*. Park City, UT: Blue360° Media.
- Texas Education Code. (2024). Retrieved May 2, 2024, from <https://statutes.capitol.texas.gov/StatutesByDate.aspx>
- Texas Government Code §418.016. (2024). Retrieved May 2, 2024, from <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.418.htm#418.016>

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The report is available in PDF format on the agency website at <https://tea.texas.gov/reports-and-data/school-performance/accountability-research/grade-level-retention>. Additional information about this report may be obtained by contacting the Texas Education Agency Division of Research and Analysis by phone at (512) 475-3523 or by e-mail at Research@tea.texas.gov.



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