

Senate Bill 1697 Frequently Asked Questions

July 15, 2021

1. When does Senate Bill (SB) 1697 go into effect?

SB 1697 became effective on June 15, 2021.

2. What does SB 1697 do?

SB 1697 established new Texas Education Code (TEC), §28.02124, Parental Option for Student Retention, which allows parents or guardians to opt to have their child—

- repeat prekindergarten;
- enroll in prekindergarten if the child was eligible to enroll in prekindergarten in the previous school year, under TEC, §29.153(b), and has not yet enrolled in kindergarten;
- repeat kindergarten;
- enroll in kindergarten if the child would have enrolled in kindergarten in the previous school year and has not yet enrolled in first grade;
- for grades one through three, repeat the grade the student was enrolled in the previous school year;
- for grades four through eight, repeat the grade the student was enrolled in during the 2020-2021 school year; and
- for courses taken for high school credit, repeat any course in which the student was enrolled during the 2020-2021 school year.

3. How do parents or guardians elect for their child to retake a grade or course?

Parents or guardians are required to notify the school district or charter school in writing that they elect for their child to retake a grade level or course.

4. Can a district refuse to allow a student to retake a grade level or course after a parent has made the request?

A school district or charter school may disagree with a parent who elects to have their child retake a grade level or course. If a district or charter school disagrees, the district or charter school must convene a retention committee and meet with the parent or guardian to discuss the retention.

The retention committee will discuss the merits of and concerns about advancement or retention and review and consider the following:

- Student's grade in each subject or course
- Results of any formative or summative assessments administered to the student
- Any other available academic information to determine the student's academic readiness for the next grade or a given course

After the parent/guardian has participated in the retention committee meeting, the parent will decide if the student will be retained. The district or charter school is required to abide by the parent's or guardian's decision.

5. Who is required to serve on a retention committee?

The retention committee must be comprised of the following:

- Principal or the principal’s designee
- Student’s parent or guardian
- Teacher who taught the grade or course for which the parent wants the student to retake or be retained
- Additional teachers at the discretion of the principal, if the student will repeat multiple courses.

6. Does SB 1697 apply to charter schools?

Yes, the legislation applies to both open-enrollment charter schools and school districts.

7. Is a district required to assign grades to a student who is repeating a course or grade level at the request of the parent?

Yes. TEC, §28.022, requires a district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject. Additionally, for courses in the foundation curriculum, a district must give written notice to a parent or legal guardian of a student's performance at least once every three weeks or during the fourth week of each nine-week grading period if the student's performance in the subject is consistently unsatisfactory.

District and charter schools may, in accordance with local policy, assign a pass/fail grade in lieu of a numeric grade.

8. If the parent or guardian of a student enrolled in a course for high school credit elects for the student to retake the course, can the original grade be removed from the student’s transcript and replaced with the new grade?

A student who receives a passing grade or who earns credit for a high school course must retain the original grade or award of credit when the student repeats the course, unless the school district or open-enrollment charter school adopts a policy to a different effect.

9. If the parent/guardian of a student enrolled in a course for high school credit elects for their child to retake a course, does the credit for the course that is being repeated count towards graduation requirements?

Retaking a course that has been failed has always been permitted (and could be required in order to graduate). The SB 1697 statutory changes apply to situations when a course is retaken when the grade earned for the course was passing. In this case, the credit cannot be accumulated twice. Credit toward graduation cannot be earned more than once for the same course.

10. Does SB 1697 apply for the 2021-2022 school year only?

The provisions of the legislation that permit parents to elect for students to be retained in the grade level or repeat a course in grades 4 and above will expire on September 1, 2022.

The provisions of the legislation that permit parents to elect for students enrolled in prekindergarten through grade 3 to be retained in the grade level has no expiration date.

11. If a student who has already passed a STAAR end-of-course test retakes a course that has a STAAR end-of-course test, would the student have to retake the STAAR end-of-course test?

If a student performed satisfactorily on the associated STAAR end-of-course tests for a course they are retaking, they are not required to retake the STAAR end-of-course exam.

12. If the student has earned enough credits to graduate, can a parent elect for the student to retake a high school course?

No. SB 1967 establishes that a parent or guardian may not opt for a student to repeat a high school course if the school district or charter school determines the student has met all graduation requirements.

13. Can a charter school deny a parent's request for retention if the request is submitted after the enrollment lottery and all seats at that child's current grade level are already filled?

No, the charter school must allow for the retention of that child at their current grade level. For the 2021-2022 school year, TEA will hold harmless any charter that exceeds its required student-teacher ratio because it was implementing the provisions of SB 1697. In future school years, charter schools should account for any potential increases in student-teacher ratio through their admissions and enrollment processes.

14. If a parent enrolls a child at a charter school they have not previously attended and subsequently requests that the child repeat the previous grade, is the charter school required to honor the request if the charter school does not have the previous grade as an approved grade level?

No, if the charter school does not have the previous grade as an approved grade level, the charter school cannot honor the parent's request for retention. For example, if a parent enrolls a child in kindergarten at a charter school and subsequently decides to retain the child in prekindergarten, the school cannot honor the retention request if the charter school does not have pre-kindergarten as an approved grade level. A charter that provides educational services to a student in an unapproved grade level is in material violation of its charter contract.

15. If a parent is considering retention for their child and applying for a seat at a charter school during the open enrollment period, can the parent request that the child's name be placed in the lottery at both the current and next year's grade level?

No, a student may only apply for one enrollment seat at a charter school. However, if the parent has already decided to retain their child, they may apply for the seat at the child's current grade level.

16. Can a charter school leave some enrollment seats open at each grade level after the enrollment lottery is conducted to anticipate possible retention requests, or must a charter fill all of its seats?

A charter school may choose to leave some seats unfilled after the lottery is conducted to ensure that seats are available for any possible retention requests.