



History of Promotion Policies in Texas Through 2021-22

Texas policy on student promotion and retention decisions has evolved over four decades, while consistently requiring that decisions about promotion be based on academic achievement. 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, 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] §§75.19-75.195, 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 1-7 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-grade 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 1993 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.

School districts not receiving retention reduction grants could apply to the commissioner of education for approval to provide extended year programs (TEC §210.560 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

writing at Grades 4, 8, and 10; and in science and social studies at Grade 8. The Grade 10 tests served as an exit

amended (Title 29 of the United States Code §794 [Section 202], Title 34 of the Code of Federal Regulations, Part 104 (2023), 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. Students/Es 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 ELs.

Since 1995, Texas statute has stipulated 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 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. 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

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 5 and 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 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 in 2016-17.

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 county area identified in the presidential disaster declaration the option to

In 2021, because of the continued effects of the COVID-19 pandemic, the commissioner of education issued a waiver related to 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 2021 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 §28.0212, 2022). Students in prekindergarten through Grade 3 may still be retained at the request of a parent or guardian, but this option expired at the end of the 2022 school year for students in Grades 4-12.

The legislature also passed HB 4545 in 2021, establishing new requirements for accelerated

References

- Rehabilitation Act of 1973. 29 U.S.C. §7920(3), retrieved September 13, 2023 from <http://uscode.house.gov/view.xhtml?path=/prelim@title29/chapter16&edition=prelim> & C.F.R. Part 104 (2023), retrieved September 13, 2023 from <https://www.ecfr.gov/cgibin/retrieveECFR?gp=&SID=7cc2707a9e38939aefcaef1622cb0ee9&mc=true&n=pt34.1.104&r=PART&ty=HTML>
- 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 (2023). Retrieved September 13, 2023, 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 Government Code §418.016(2023). Retrieved September 13, 2023, from <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.418.htm#418.016>

Texas Education Agency

Mike Morath, Commissioner of Education

Office of Operations

Alejandro Delgado, Deputy Commissioner

Department of Organizational Development

Jennifer Chidsey, Associate Commissioner

Division of Research and Analysis

Linda Roska, Executive Director

Accountability Research Unit

Jennifer Broussard, Director

Project Staff

Patty O'Hara

Veronica Pedregon

Freya Gaertner

Editorial Staff

Christine Whalen

Shannon Nagy

Richard Kallus

Citation. Texas Education Agency. (20). History of promotion policies



**Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494**

November 2023