

**SUBJECT:** Creating alternate promotion criteria in the public schools

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 6 ayes — Sadler, Dutton, Dunnam, Hardcastle, Hochberg, Olivo  
0 nays  
3 absent — Grusendorf, Oliveira, Smith

**WITNESSES:** For — Felicia Escobar, National Council of La Raza; Carol Holst, Parents United to Reform TAAS Testing; Al Kauffman, MALDEF; Linda McNeil; Kris Sloan; Angela Valenzuela  
Against — None  
On — Rene Lara, Texas Federation of Teachers

**BACKGROUND:** In 1999, the 76th Legislature enacted, as part of SB 4 by Bivins, the Student Success Initiative (SSI) to ban the practice of social promotion — the automatic advancement of students from one grade to the next. Starting with the class of students who began kindergarten in 1999, SSI would require them to pass the Texas Assessment of Academic Skills (TAAS) in order to be promoted to the next grade level.

SSI is scheduled for implementation in the 2002-03 school year, after which all third grade students will have to pass the reading portion of the TAAS to be promoted. Fifth graders (starting in 2004-05) and eighth graders (in 2007-08) will have to pass both the reading and math portions of TAAS to be advanced to the next grade level. At each of these grades, students will have three opportunities to take the test, with an interval between test administrations to allow for remedial education.

Concurrent with SSI, a new, more rigorous TAAS exam also is set for implementation in 2003. The new TAAS will be called TAAS II.

DIGEST:

**Alternate compensatory promotion criteria.** CSHB 2570 would require the education commissioner to prescribe alternate compensatory promotion criteria that a student could meet to be promoted to fourth, sixth, or ninth grade without performing satisfactorily on the TAAS exam. The criteria would have to include a student's grades in language arts, mathematics, science, and social studies for the grade from which the student sought promotion and each grade the student had completed. The bill also would require the criteria to include a student's performance assessment instruments, a student's highest scores on assessment instruments, and overall academic performance as evaluated by the student's teacher or teachers.

A committee composed of the student's teacher, principal or principal's designee, and a counselor at the student's school or school district would determine whether a student who did not perform satisfactorily on the required TAAS exam had met the criteria. The committee's decision would be final and unappealable. The bill would require the committee to make this determination following each TAAS administration. If the committee determined the student had met the criteria, the student would not be subject to the SSI requirement to pass TAAS for that specific grade-level promotion.

The bill would not create a property right in promotion to the next grade level. A student who sought promotion using these criteria still would be required to meet minimum attendance requirements and only could be promoted on the basis of academic achievement or demonstrated proficiency. A student would be required to meet any grade or conduct requirements prescribed by school district policy, other than satisfactory TAAS performance.

**Delayed implementation of SSI.** The bill would amend the Education Code to delay implementation of the Student Success Initiative for one year. Passage of the TAAS exam as a prerequisite for advancement to the next grade level would apply to:

- ! third graders beginning in the 2003-2004 school year,
- ! fifth graders beginning in the 2005-2006 school year, and
- ! eighth grade beginning with the 2008-2009 school year.

The bill would take effect September 1, 2001. The provisions regarding alternative promotion criteria would apply beginning with the 2003-2004 school year.

SUPPORTERS  
SAY:

**Alternate compensatory promotion criteria.** CSHB 2570 would not have any impact on the current accountability system, which bases campus and district ratings on a student's first TAAS score. Every student's TAAS scores would continue to be included as a part of the campus and district accountability rating. Regardless of whether a student was promoted to the next grade, the student's TAAS scores would be included, even if they were failing scores.

The bill would not encourage promotion of academically unqualified students. It would encourage a complete, comprehensive evaluation of each student. Students demonstrate their abilities in a variety of ways. Some students are simply poor test-takers. Others may face sudden, traumatic experiences that would hinder their ability to perform well on a test — such as a death in the family or learning of their parents' divorce — despite grades and prior performance to the contrary. Multiple national organizations have concluded that a single exam cannot accurately measure a student's knowledge or readiness for the next grade.

The bill would not encourage grade inflation. A committee would review a student's grades from previous grades, not just from the grade level during which the student failed TAAS. Consideration of grades would be cumulative and would include grades in language arts, mathematics, science, and reading.

The bill would use multiple criteria to determine whether a student would be promoted. A student would be required to perform satisfactorily under each of the criteria, including grades, teacher recommendations, and individual and combined TAAS test scores, before he would be eligible for promotion. There is no reliable data conclusively demonstrating that retention is linked to student achievement. In addition, national studies have concluded that students who have been retained are more likely to drop out of school than students who have not been retained. If a student were retained for failing one section of TAAS, the student could become bored when reviewing subjects already mastered. The current SSI statute would retain a third grade

student for failing the reading portion of TAAS, even for a student who had exemplary performance in mathematics, social studies and science. Such a student would be forced to repeat subject areas already mastered instead of receiving accelerated reading instruction.

The bill would require the education commissioner, not the committee, to determine the specific criteria students would have to meet for grades, scores, etc. This would be according to a sliding scale, allowing higher grades and performance to compensate for lower test scores. The committee would be responsible only for determining whether a student had met those criteria.

This bill would not affect the currently existing grade-placement committee. It would apply the alternate criteria before the grade-placement committee met. The bill would provide that a student failing TAAS for the third time automatically would be retained. Many parents do not know about the existing grade-placement committee, which only meets upon parental request. The alternate criteria process would allow students the opportunity to be promoted on alternate grounds, even if the grade-placement committee did not meet. The alternate criteria process would provide specific standards, while the grade-placement committee has almost total discretion to determine who to retain or promote. Without specific standards, the currently existing grade-placement committee has the power to promote someone with very low TAAS scores and very low grades, or retain a student with very high grades who has almost passing TAAS scores.

**Delayed implementation of SSI.** HB 3631 is needed to give students one year to adjust to the new TAAS II exam before subjecting them to the requirements of the Student Success Initiative. The new TAAS II will not have been validated as a test instrument when it is first administered, nor will it have been field tested for content validity or technical errors. National education associations caution against implementing a new instrument too quickly, before field testing and validation. TEA has announced it will not rate campuses and school districts based on the 2003 TAAS II administration because the test will be too new. It would not be fair to hold students accountable using TAAS II if districts and campuses would not be held accountable too. This would amount to punishing students for the state's experiment.

HB 3631 would help to prevent students from dropping out of school. The new TAAS II will be more difficult, and numerous studies show that students who are retained a grade level are more likely to drop out of school. TEA anticipates significantly higher failure rates on TAAS II and has requested that performance measures be lowered for TAAS II. For example, the 2002 target for students passing all tests taken is set at 85 percent, and TEA requested that the target be lowered to 67.6 percent for 2003. TEA requested the target for economically-disadvantaged students passing all tests be reduced from 78 percent in 2002 to 58.1 percent for 2003.

Schools and students would not suffer if SSI implementation were delayed until 2004. In fact, students would benefit due to use of a field-tested TAAS II instrument and teacher familiarity with test-question format. Starting SSI in 2003 would not allow teachers to adequately prepare students for TAAS II because they will not be familiar with the new test. Students who have mastered material concepts still might not perform well on a new test due to unfamiliarity with new question formatting. When testing is used as a measure of student performance, students must have had a meaningful opportunity to learn the content of the exam. It will take time for the tested material to be integrated into the curriculum.

Failure to implement this bill would have serious financial consequences, particularly since TEA predicted low passing rates for the new TAAS II exam. If student failure rates were high, schools would have to administer TAAS up to three times in each academic year. Presumably, subsequent administrations of the exam would include different exam questions, resulting in additional test item development costs. Current law requires school districts to provide students who fail TAAS with accelerated instruction in the subjects which the student did not pass. Accelerated instruction groups must have a student to teacher ratio no higher than ten to one. If a student failed TAAS for the second time during an administration later in the school year, this instruction would have to take place in summer school. Districts would face the cost of hiring additional summer school instructors and providing student transportation. If students failed a third time, current law would require a grade-placement committee to meet to determine whether the child should be promoted to the next grade. The grade-placement committee must include "the teacher of the subject of an

assessment instrument on which the student failed to perform satisfactorily.” Convening the committee in the summer would cause districts to incur additional costs to include the student’s school-year teacher, as a summer meeting would be outside of the teacher’s contractual duties.

OPPONENTS  
SAY:

**Delayed implementation of SSI.** SSI should not be delayed; it should have been implemented earlier. Social promotion does a disservice to students. The sooner educators and parents become aware of a student’s academic deficiencies, the sooner that student gets the instruction necessary to succeed. Students are not punished by being denied promotion until they are academically prepared for the next grade; students are punished by being passed to the next grade without the necessary skills. As long as schools continue to pass students, those with academic difficulties will not be identified and assisted. SSI will continue raising standards for education in Texas.

Raising the standards for TAAS would help to improve education in the tested subjects of reading and math. Students already should be well prepared for the reading portion of the new TAAS II exam. Close to \$460 million in state and federal funds have been expended on reading initiatives and student success programs, including the governor’s statewide reading initiative, grants to local school districts to improve reading, the master reading teacher certification, the accelerated reading instruction program to assist K-2 students, statewide teacher reading academies, and development of parental involvement in reading instruction materials. Reading is not currently a teacher shortage area. Similar programs for math will soon be available through the governor’s math initiative. By the time SSI would apply to fifth graders under current law (2005), similar training and resources would be available to math teachers. In addition, the new TAAS II would be based on the Texas Essential Knowledge and Skills (TEKS) curriculum, which is the curriculum currently used in Texas schools. It is not like students are being asked to learn something that is not in the curriculum in order to pass to the next grade level.

The grade placement committee would serve as a safeguard. Where appropriate, the grade placement committee could allow a student to advance to the next grade despite failing TAAS II. Parents, as members of

the grade placement committee, would, at the very least, be aware that their student was struggling academically and in need of additional attention.

The accountability system for school districts and campuses is not exclusively TAAS-based. Accountability ratings depend on state assessments in multiple subjects, among many other factors. The next phase of the accountability system will require examination of additional factors, including high school completion rates. TEA still will conduct accountability evaluation and reporting activities in 2003, despite not issuing accountability ratings. Schools still will receive school report cards from the state.

NOTES:

The committee substitute changed alternative promotion criteria to alternative compensatory promotion criteria that a student could meet to be promoted to a certain grade level. The substitute would require a committee (student's teacher, principal, and school counselor) to determine whether to promote a student based on performance on TAAS and consideration of alternative compensatory promotion criteria.

The substitute would delay the requirement of a student to satisfactorily perform on TAAS in order to be a promoted by one year.