

## BILL ANALYSIS

Senate Research Center  
7R8566 ESH-F

S.B. 1426  
By: Truan  
Education  
4/24/2001  
As Filed

### DIGEST AND PURPOSE

In 1999, the 76th Legislature passed S.B. 4 requiring students in the third, fifth, and eighth grades to pass the Texas Assessment of Academic Skills (TAAS) test before being promoted to the next grade level. A student is allowed three opportunities to pass the test, after which the student's promotion is determined by the unanimous decision of a committee which includes the principal, a teacher, and the student's parent. According to the Texas Education Agency, if the current rate of failure of one of the TAAS sections continue, Texas can expect the retention of over 100,000 students in these grades alone. As proposed, S.B. 1426 requires the commissioner of education to develop alternate promotion criteria which a student may satisfy to be promoted to the next grade level. A committee composed of the student's teacher, principal and a counselor at the student's school then determines if the student has met the alternative promotion criteria. This maintains the accountability system of TAAS, while ensuring that these tests do not serve as the sole determinant of whether a student is promoted to the next grade level.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 28.0212, Education Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 28B, Education Code, by adding Section 28.0212, as follows:

Sec. 28.0212. (a) Requires the commissioner of education, by rule, to prescribe alternative promotion criteria that a student may satisfy to be promoted to:

- the fourth grade level without performing satisfactorily on the assessment instrument specified under Section 28.0211(a)(1);
- the sixth grade level without performing satisfactorily on the assessment instruments specified under Section 28.0211(a)(2); or
- the ninth grade level without performing satisfactorily on the assessment instruments specified under Section 28.0211(a)(3).

(b) Sets forth the requirements for the alternative promotion criteria.

(c) Requires a committee composed of the student's teacher, the student's principal or the principal's designee, and a counselor at the student's school, or in the student's school district if the student's school does not have a counselor, to determine whether a student who has not performed satisfactorily on the assessment instruments specified under Section 28.0211(a)(1), (2), or (3), has met the alternative promotion criteria prescribed under Subsections (a) and (b). Provides that the committee's decision is final and may not be appealed.

(d) Provides that this section does not create a property right in promotion to the next grade level.

(e) Requires a student, notwithstanding this section, to meet certain criteria.

SECTION 2. Amends Section 28.0211(a), Education Code, to make a conforming change.

SECTION 3. Makes application of Section 28.0212, Education Code, as added by this Act, prospective to the 2003-2004 school year.

SECTION 4. Effective date: September 1, 2001.