



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

Citation. Texas Education Agency. (2023). *Grade-level retention and student performance in Texas public schools, 2021-22* (Document No. GE24 601 04). Austin TX: Author.

Abstract. This annual report provides information for the 2021-22 school year on grade-level retention and student performance in the Texas public school system. Student retention and promotion data are reported with data on the performance of students in Grades 3-8 on the State of Texas Assessments of Academic Readiness (STAAR) reading and mathematics tests.

Additional copies of this document may be purchased using the order form in the back of this publication. Also, 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.

Copyright © Notice. The materials are copyrighted © and trademarked ™ as the property of the Texas Education Agency (TEA) and may not be reproduced without the express written permission of TEA, except under the following conditions: (1) Texas public school districts, charter schools, and Education Service Centers may reproduce and use copies of the Materials and Related Materials for the districts' and schools' educational use without obtaining permission from TEA; (2) residents of the state of Texas may reproduce and use copies of the Materials and Related Materials for individual personal use only without obtaining written permission of TEA; (3) any portion reproduced must be reproduced in its entirety and remain unedited, unaltered and unchanged in any way; and (4) no monetary charge can be made for the reproduced materials or any document containing them; however, a reasonable charge to cover only the cost of reproduction and distribution may be charged. Private entities or persons located in Texas that are **not** Texas public school districts, Texas Education Service Centers, or Texas charter schools or any entity, whether public or private, educational or non-educational, located **outside the state of Texas** *MUST* obtain written approval from TEA and will be required to enter into a license agreement that may involve the payment of a licensing fee or a royalty. For information contact: Copyrights Office, Texas Education Agency, 1701 N. Congress Ave., Austin, TX 78701-1494; phone 512-463-9041; email: Copyrights@tea.texas.gov.

Texas Assessment of Academic Skills® (TAAS®), Texas Assessment of Knowledge and Skills® (TAKS®), and State of Texas Assessments of Academic Readiness® (STAAR®) are registered trademarks of the Texas Education Agency. Other product and company names mentioned in this report may be the trademarks of their respective owners.

Overview

Overview

This report presents information on the

History of Promotion Policies in Texas

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-

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.

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 2002-03 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

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 his statutory authority under Texas Government Code §418.016 (2023, 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). Under the bill, this option expired at the end of the 2021-22 school year for students in Grades 4-12, though students in prekindergarten through Grade 3 could still be retained at the request of a parent or guardian. In 2023, the 88th Texas Legislature passed HB 3803, again allowing a parent or guardian of a student to elect for the student to repeat any grade or to retake a high school course, beginning with the 2023-24 school year (TEC §28.02124, 2023, amended to be effective June 13, 2023).

The 87th Texas Legislature also passed HB 4545 in 2021, establishing new requirements for accelerated instruction for students who do not pass STAAR tests (TEC §28.0211, 2022; 19 TAC §104.1001, 2023, adopted to be effective June 9, 2022). Beginning in the 2021-22 school year,

Definitions and Calculations

Retention Definition

Retention Rate Calculations

*Student Performance on the
State of Texas Assessments of Academic Readiness*

Data Masking

Retention Definition (Public Education Information Management System)

Grade retention has been defined as requiring a child to repeat a particular grade or delaying entry to kindergarten or first grade. This definition of retention—repetition of a grade or delayed entry—applies primarily to Grades K-6. The same grade level in successive years in high school does not necessarily represent the repetition of a full year's curriculum, as it does in elementary school. Secondary school programs are structured around individual courses. Because passing and failing are determined at the level of the course and credits are awarded for courses completed successfully, the concept of a "grade level" becomes more fluid. Students who fail to earn credit in a single course or take fewer courses than required in one year may be classified at the same grade level in two consecutive years. Practices in Grades 7 and 8 may be like those in elementary school or like those in high school, depending on local school district policies.

Public Education Information Management System (PEIMS) data used in this report on the grade levels of all students in the Texas public school system were submitted by districts through the Texas Student Data System (TSDS) (Texas Education Agency [TEA], 2022). Data on State of Texas Assessments of Academic Readiness (STAAR) are available in the TSDS. Data on State of Texas Assessments of Academic

Student Performance on the State of Texas Assessments of Academic Readiness

STAAR was the primary statewide assessment of student performance in 2022 and 2023. Spanish-version reading and mathematics tests were given to students identified as emergent bilingual students/English learners in Grades 3-5 receiving mostly Spanish-language instruction. Additionally, accommodations (e.g., visual aids, graphic organizers, text-to-speech functionality) were allowed for students who needed them.

TEA received student-level data for English- and, where applicable, Spanish-language STAAR tests in each grade level and subject area assessed.

requirements for masking state-level data. Bas9 Tp

Retention and Student Performance

Statutory Requirements

State of Texas Assessments of Academic Readiness Passing Rates

State of Texas Assessments of Academic Readiness Scores

Statutory Requirements

This section of the report presents information on the performance of retained students on the state assessment, as required under Texas Education Code (TEC) §39.332 (2022)

State of Texas Assessments of Academic Readiness Scores

Among students in Grades 3-8 who took the English-version STAAR reading and mathematics tests in spring 2022, those promoted at the end of the 2021-22 school year had average scale scores on both tests that exceeded the passing standards in every grade (Table 2 on page 17). Average scale scores for retained students were lower than those for promoted students and below the 2022 passing standards on both tests in every grade. After a year in the same grade, average scale scores for retained students improved and exceeded 2023 passing standards on both tests in every grade except for Grade 7 mathematics (Figure 1 on this page and Table 2 on page 17).

References

References

Family Educational Rights and Privacy Act. 20 U.S.C. §1232(g) (2023), retrieved November 17, 2023, from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232g&num=0&edition=prelim>; 34 C.F.R. Part 99 (2023), retrieved November 17, 2023, from <https://www.ecfr.gov/current/title-34/subtitle-A/part-99>

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. (2019). *Texas school law bulletin*. Charlottesville, VA: Matthew Bender.

Texas Education Code. (2022). *Texas school law bulletin*. Park City, UT: Blue360° Media.

Texas Education Code. (2023). Retrieved December 20, 2023, from

Texas Education Agency Publication Order Form



Compliance Statement

Title VI, Civil Rights Act of 1964, the Modified Court Order, Civil Action 5281, Federal District Court, Eastern District of Texas, Tyler Division.

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

1. acceptance policies on student transfers from other school districts;
2. operation of school bus routes or runs on a nonsegregated basis;
3. nondiscrimination in extracurricular activities and the use of school facilities;
4. nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
5. enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
6. nondiscriminatory practices relating to the use of a student's first language; and
7. evidence of published procedures for hearing complaints and grievances.

