

**Student
Advancement**

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. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

**Grade Advancement
(Grades 5 and 8)**

In addition to Board policy relating to student advancement, students in grades 5 and 8 must demonstrate proficiency in reading and mathematics, as required by Education Code 28.0211(a), in order to advance to the next grade.

A student demonstrates proficiency by meeting the passing standard on the appropriate assessment instrument specified by 19 Administrative Code 101.2003(a) [see Grade Advancement Testing, below] or on a state-approved alternate assessment authorized by 19 Administrative Code 101.2011 [see Alternate Assessment, below].

A student who does not demonstrate proficiency may advance to the next grade only if:

1. The student has completed the required accelerated instruction under 19 Administrative Code 101.2006 [see Accelerated Instruction, below];
2. The student's grade placement committee (GPC)/ARD committee, determines by unanimous decision, in accordance with the standards for promotion established by the board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction. In accordance with Education Code 28.021, to determine grade promotion, a district is required to consider:
 - a. The recommendation of the student's teacher;
 - b. The student's grades;
 - c. The student's assessment scores; and

- d. Any other necessary academic information; and
3. In accordance with Education Code 28.0211(n), the School will whenever possible ensure that the student who is promoted by the GPC/ARD committee under 19 Administrative Code 101.2007 shall be assigned to a teacher who meets all state and federal qualifications to teach the subject and grade in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Education Code 28.0211(a).

Education Code 28.0211(a); 19 TAC 101.2001(b)

**Students Receiving
Special Education
Services**

For students receiving special education services, the ARD committee is responsible for determining accelerated instruction and making promotion decisions.

(Texas Education Agency, Student Success Initiative Manual, pg. 33, 2019)

A student who is receiving special education services, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official SSI manual. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and accelerated instruction for the student.

The ARD committee of a student who does not perform satisfactorily on an assessment instrument in grade 5 or 8 must meet before the student is administered the assessment instrument for the second time. The committee shall determine the manner in which the student will participate in an accelerated instruction program and whether the student will be promoted in accordance with provisions below or retained.

At a meeting of the ARD committee, the committee may promote the student to the next grade level if the committee concludes that the student has made sufficient progress in the measurable academic goals contained in the student's IEP. A school district that promotes a student is not required to provide an additional opportunity for the student to perform satisfactorily on the assessment instrument.

Not later than September 1 of each school year, a district must notify the parent or person standing in parental relation to a student enrolled in the School's special education program, of the options of the ARD committee if the student does not perform satisfactorily on an assessment instrument.

Education Code 28.0211(i), (i-1), (i-2); 19 TAC 101.2003(d), (f)

**Advancement
Requirements**

By the start of the school year, the School shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

The superintendent shall also notify parents of the grade advancement requirements under Education Code 28.0211 at the beginning of the school year. The School shall implement grade advancement requirements in accordance with 19 Administrative Code Chapter 101, Subchapter BB and the TEA procedures outlined in the official Student Success Initiative (SSI) manual, published annually by TEA. *19 TAC 101.2001(a), .2009(a)*

Retention

The School is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained. *19 TAC 101.2019(a)*

**Grade Advancement
Testing**

The School will test eligible students in accordance with the grade advancement requirements set forth below.

Eligible Students

An eligible student is subject to all grade advancement requirements, including automatic retention, if the student is enrolled at TSD on any day between January 1 and the date of the first administration of the grade advancement assessments.

An eligible student who does not meet the criteria specified above but enrolls at TSD any time after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements.

The School will provide the student the opportunity to test and access to accelerated instruction.

19 TAC 101.2003(b)–(c)

Required
Assessment

A student may not be promoted to:

1. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
2. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily

on the eighth grade mathematics and reading assessment instruments.

Education Code 28.0211(a); 19 TAC 101.2003

*Exception for
above grade level
courses*

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)–(p); 19 TAC 101.2001(d)

Test Schedule

TEA shall provide three opportunities per year for the tests required for grade advancement. A superintendent shall establish procedures to ensure that:

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and
2. Each eligible student who is absent or does not receive a test score for all three test opportunities shall receive other appropriate means of evaluation, to be determined by the ARD committee.

19 TAC 101.2005(b)–(c)

The School must accommodate the request of an out-of-district student to participate in the third administration of a test required for grade advancement if the School is testing one or more local students on the applicable test and if the out-of-district student has

registered to take the test by a date determined by TEA. *19 TAC 101.2005(d)*

Conversely, TSD may request the third and final test to occur in the student's local school district.

Notice of Grade
Advancement
Testing
Requirements

The superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in a district, of the testing requirements for grade advancement;
2. Notifying each student in grades 1–8 who is new to the district and the student's parent or guardian in writing of the testing requirements for grade advancement; and
3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.3012(b)

**Unsatisfactory
Performance on
Grade Advancement
Tests**

The School shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

Accelerated
Instruction

Each time a student fails to perform satisfactorily on a grade advancement test, a district shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the SSI manual, which districts may use for developing accelerated instruction.

*Before the Next
School Year*

A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class.

Education Code 28.0211(c); 19 TAC 101.2006(e)(1)

*During the Next
School Year*

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's ARD committee. The

School shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The School shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the School regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*

Transportation

The School shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j); 19 TAC 101.2006(b)*

Notice to Parents of
Performance and
Accelerated
Instruction

In addition to providing the accelerated instruction, the School shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the School is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the School shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

After Early
Identification of At-
Risk Students
Notice

The School, through and ARD committee meeting shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. The ARD committee shall include accelerated instruction participation requirements as stipulated by 19 Administrative Code 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

<p>After First Testing Opportunity <i>Notice and Accelerated Instruction</i></p>	<p><u>The School notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of the School's receipt of student assessment results from this administration. This notice shall include the student's assessment results and the required accelerated instruction to which the student has been assigned.</u> <i>19 TAC 101.2009(c)</i></p>
<p>After Second Testing Opportunity <i>Notice and Accelerated Instruction</i></p>	<p>Within five working days of a district's receipt of student assessment results for the second administration of the assessment required for grade advancement, the School shall notify the parent or guardian of the assessment results. <i>19 TAC 101.2007(c)</i></p>
<p><i>Alternate Assessment</i></p>	<p>For the third testing opportunity, the School may elect to use an alternate test.</p>
<p><i>Parental Waiver</i></p>	<p>Parents of TSD students may request that a student not participate in the third test opportunity due to potential harm to the student. <i>9 TAC 101.2015</i></p>
<p>Transfer Students</p>	<p>A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit a district's ability to appropriately place such a student. <i>19 TAC 101.2007(h)</i></p>
<p>Students with Dyslexia</p>	<p>In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. <i>Education Code 28.021(b); 19 TAC 101.2003(g)</i> [See policies at EHB, EKB, and FB]</p>