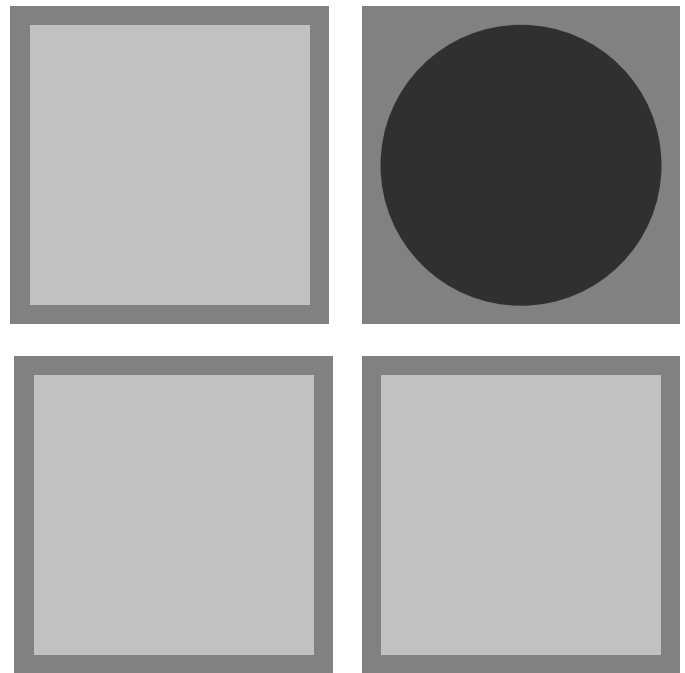




Grade-Level Retention and Student Performance in Texas Public Schools, 2018-19



Division of Research and Analysis
Office of Governance and Accountability
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Grade-Level Retention and Student Performance in Texas Public Schools 2018-19

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Abstract. This annual report provides information for the 2018-19 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.

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Introduction

Overview

Highlights

Overview

This report presents information on the performance of retained students on the state assessment, as required under Texas Education Code (TEC) §39.332 (2019). Passing rates and average scores were calculated separately, by grade level, for English- and Spanish-language versions of the 2019 State of Texas Assessments of Academic Readiness (STAAR) reading and mathematics tests for Grades 3-8. This report also analyzes 2019 STAAR performance and promotion statuses for students in Grades 5 and 8 in light of the Student Success Initiative (SSI) grade advancement criteria stipulated under TEC §28.0211 (2019). Finally, this report also provides historical information about retention and promotion policies in Texas public schools. A companion report, *Grade-Level Retention in Texas Public Schools, 2018-19* (Texas Education Agency, 2020), presents retention data by student characteristics and program participation.

Highlights

- Under TEC §28.0211 (2019), students in Grades 5 and 8 are subject to Student Success Initiative (SSI) grade advancement criteria. In this report, students subject to SSI criteria who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. Students who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria.
- This report presents information on the performance of retained students on the state assessment, as required under TEC §39.332 (2019). Typically, for students repeating a grade in a given school year, STAAR results from the previous school year would be compared to results from the current school year. However, given the impact of COVID-19, the governor used his statutory authority under Texas Government Code §418.016 (2020) to suspend annual academic assessment requirements for the 2019-20 school year. All three 2020 STAAR administrations were canceled; therefore, comparisons between 2019 and 2020 STAAR performance are not possible.
- In spring 2019, 86.8 percent of promoted Grade 5 students passed the STAAR reading test, whereas 19.7 percent of retained fifth graders passed the test. Similarly, 86.8 percent of promoted Grade 8 students passed the STAAR mathematics test, whereas 28.8 percent of retained eighth graders passed the test.
- Of the Grade 5 students who met SSI criteria, more than 99.9 percent were promoted to a higher grade level. Of the Grade 5 students who did not meet SSI criteria, 2.3 percent were retained in Grade 5 the next year.
- Of the Grade 8 students who met SSI criteria, more than 99.9 percent were promoted to a higher grade level. Of the Grade 8 students who did not meet SSI criteria, 1.8 percent were retained in Grade 8 the next year.
- In the 2018-19 school year, 82.2 percent of all promoted fifth-grade students met SSI criteria. A total of 38,274 students, or 9.4 percent of promoted fifth graders, were promoted by grade placement committees (GPCs). These students either did not meet SSI criteria or could not be categorized based on SSI criteria.
- In the 2018-19 school year, 81.4 percent of all promoted eighth-grade students met SSI criteria. A total of 37,510 students, or 9.4 percent of promoted eighth graders, were promoted by GPCs.

History of Promotion Policies in Texas

History of Promotion Policies in Texas

While consistently requiring that decisions about student promotion be based on academic achievement, Texas policy on promotion and retention has evolved over the past three decades. 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, *Grade 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] §§75.191-75.195, 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 7-12 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-age tutoring, student 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 1992-93 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 1994-95.

School districts not receiving retention reduction grants could apply to the commissioner of education for approval to provide extended year programs (TEC §21.563, *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-8 who would otherwise be retained. To fund the programs, school districts could reduce the number of instructional days in the regular school year by five.

In 1995, the Texas Education Code was reviewed and readopted. In the new code, the provisions on promotion, *Student Advancement*, reiterated that students be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level (TEC §28.021, 1996). At the same time, the language regulating local promotion and retention policies was repealed. In April 1996, the SBOE rules regulating local policies, including restrictions on the number of times students could be retained in grade, were also repealed. The definition of students at risk of dropping out was carried forward (TEC §29.081, 1996).

The 1995 TEC revisions included a single set of provisions for extended year programs (TEC §29.082, 1996). Commissioner of education rules implementing the OEYP were adopted to be effective in May 1996 (19 TAC §105.1001, 1997). Districts were required to promote each student who attended at least 90 percent of the extended year program days, unless the student's parents requested that the student be retained. If the parents requested retention, the student's principal, teacher, and counselor were required to meet with the parents to provide information on the effects of retention on future academic performance, student self-esteem, and high school completion. The commissioner of education was directed to withhold 5 percent of the Foundation School Program compensatory education allotment to finance extended year programs. This increased to about \$50 million per year the allocation for extended year programs for students in Grades K-8 who were identified as not likely to be promoted. Districts could use portions of their compensatory education allotments or apply for state funds to implement extended year programs. Although districts had to apply for state OEYP funds, they were no longer required to apply for approval to operate OEYPs funded locally.

The promotion policies implemented in Texas public schools in 2002-03 built on the state curriculum and assessment programs that had been developed over many years. In 1984, Texas first adopted a state curriculum, known as the Essential Elements (19 TAC Chapter 75, Subchapters B-D, 1984). Over the years, the rigor of knowledge and skills required of students increased. A revised curriculum, the Texas Essential Knowledge and Skills (TEKS), was adopted by the SBOE and became effective on September 1, 1998 (19 TAC Chapters 110-128, 1998). By state law and SBOE rule, the TEKS in the foundation areas of English language arts and reading, mathematics, science, and social studies are required for use in instruction and statewide assessment. The TEKS have been widely distributed to schools and to the public. Professional development on TEKS implementation in the classroom has been available statewide.

The state testing program known as TAAS was introduced in 1990. When last administered in 2002, the TAAS measured mastery of the state curriculum in reading and mathematics at Grades 3-8 and 10; in writing at Grades 4, 8, and 10; and in science and social studies at Grade 8. The Grade 10 tests served as an exit-level examination. As was the case under the previous testing program, the Texas Educational Assessment of Minimum Skills (TEAMS), satisfactory performance on the exit-level examination was a prerequisite to a high school diploma.

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 end-of-course (EOC) assessments. Although 15 EOCs were originally required to graduate for students who started Grade 9 in 2011-12, the 83rd Texas Legislature reduced the requirement to five assessments in 2013: Algebra I, Biology, English I, English II, and U.S. History. In 2015, the 84th Texas Legislature passed SB 149, which revised the state's assessment graduation requirements for students enrolled in Grade 11 or 12 during the 2014-15, 2015-16, or 2016-17 school year (TEC §28.0258, 2016). Under the requirements, a student who failed an EOC for no more than two of five required courses could still receive a Texas high school diploma if he or she was determined to be qualified to graduate by an individual graduation committee (19 TAC §101.3022, 2020, amended to be effective September 6, 2015). In 2017, the 85th Texas Legislature extended the revised graduation requirements through the 2018-19 school year and in 2019, the 86th Texas Legislature extended them through the 2022-23 school year (TEC §28.0258, 2019; 19 TAC §101.3022, 2020, amended to be effective October 15, 2019).

State testing procedures allow accommodations on STAAR for students who need them. Several accommodations are available to eligible students, including content and language supports, spelling assistance, supplemental aids, and extra time to complete assessments. Admission, review, and dismissal (ARD) committees and placement committees for students served under Section 504 of the Rehabilitation Act of 1973, as amended (Title 29 of the United States Code §794 [Section 504], 2020; Title 34 of the Code of Federal Regulations, Part 104, 2020), 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. English learners (ELs) may also receive accommodations on the statewide assessments, and EL students 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 EL students.

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. 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 fail 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 fail the third administration of a Grade 5 or Grade 8 test, which occurs during the summer. To help districts and charter schools meet the requirement, the Texas Education Agency developed a waiver allowing promotion of such students to the next grade level prior to the completion of accelerated instruction. A district or charter school applying for the waiver in 2018-19 was required to: identify the intensive instruction each student needed; target the instruction to the STAAR objectives on which each student demonstrated weakness; ensure each student completed the instruction during the first six weeks of the school year; and document that each student completed the instruction. In addition, the GPC is responsible for developing a plan that will provide the student with ongoing instructional support during the next school year.

In 2011, the 82nd Texas Legislature directed that a student in Grade 5 or Grade 8 who is enrolled in a course above the student's grade level or for which the student will receive high school credit is not required to take a grade-level state assessment in the corresponding subject (TEC §28.0211, 2011).

Because performance standards for STAAR had not been established in time for student promotion decisions, promotion criteria for Grades 5 and 8 that were based on state assessment results were suspended in 2011-12. Instead, promotion criteria developed entirely at the district level 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, Student Success Initiative (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.

Definitions and Calculations

Retention Definition

Retention Rate Calculations

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

Data Masking

Retention Definition

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], 2019). Data on State of Texas Assessments of Academic Readiness (STAAR) performance were provided to TEA by Educational Testing Service.

Retention Rate Calculations

Retention rates for the 2018-19 school year were calculated by comparing 2018-19 attendance records to fall 2019 enrollment records. Students who left the Texas public school system for any reason other than graduation were excluded from the total student count. Students new to the Texas public school system in fall 2019 were also excluded. Students who enrolled both years or graduated were included in the total student count. Students found to have been enrolled in the same grade in both years were counted as retained. Students found to have been in a higher grade in fall 2019 than in 2018-19 were counted as promoted. Students reported to have had improbable grade sequences were assigned an "unknown" promotion status. Retention rates were calculated by dividing number of students retained by total student count. Because of the criteria used, student counts in this report differ from those in other agency publications.

Retention rates have been calculated by TEA based on year-to-year progress of individual students since 1994-95. Prior to the 1998-99 school year, the retention calculations included only students who were enrolled on the last Friday in October. Beginning in 1998-99, additional enrollment data for Grades 7-12 were collected by TEA to calculate the secondary school dropout and graduation rates. This collection expanded available Grades 7-12 enrollment data beyond students enrolled the last Friday in October to include students enrolled at any time during the fall. The change in the retention calculation allowed more secondary school students to be included and made the calculation of the retention rate more like that of the secondary school dropout and graduation rates. Expanded enrollment data were not collected for Grades K-6, so the method of calculating enrollment counts for Grades K-6 was unchanged.

Student Performance on the State of Texas Assessments of Academic Readiness

STAAR was the primary statewide assessment of student performance in 2019. Spanish-version reading and mathematics tests were given to students identified as 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. Given the impact of COVID-19 in spring 2020, the governor used his statutory authority under Texas Government Code §418.016 (2020) to suspend annual academic assessment requirements for the 2019-20 school year. All three 2020 STAAR administrations were canceled.

Educational Testing Service provided TEA with student-level data for English- and, where applicable, Spanish-language STAAR tests in each grade level and subject area assessed. For each subject area test, every student received either a score or a code for the reason no score was reported. The code identified students who were absent; students who were ill, took above grade level tests, or had certain irregularities, including cheating; students whose parents or guardians requested the students not participate in the third testing opportunity; or students for whom STAAR Alternate 2 assessments (designed to assess students with significant cognitive disabilities) were appropriate.

In 2019, students were classified into four performance categories: Masters Grade Level, Meets Grade Level, Approaches Grade Level, and Does Not Meet Grade Level. The categories were meant to provide clear, accurate information to parents about how their children performed on STAAR. Students categorized as Approaches Grade Level and above were considered to have passed an exam. The passing standards for STAAR are set by the commissioner of education (TEC §39.0241, 2019).

Under the Student Success Initiative (SSI), students in Grades 5 and 8 are given three opportunities to pass STAAR reading and mathematics tests (TEC §28.0211, 2019). Results of the STAAR tests for 2019 are based on all three administrations. In cases where answer documents were submitted for students in more than one administration or where students had more than one record in an administration, the highest score attained was used.

Analysis of promotion status and test performance in this report required matching student records in the promotion and test databases. Records were matched based on the Texas Student Data System (TSDS) Unique ID or social security number, last name, first name, and date of birth. Records that could not be matched were excluded. In some cases, students participated in spring 2019 STAAR testing but were not enrolled in a Texas public school in fall 2019. Consequently, these students had records in the test database but not in the promotion database. In other cases, students enrolled in school after spring 2019 STAAR testing and, therefore, had records in the promotion database but not in the test database. Finally, some records failed to match because of errors in reporting student identification data.

Data Masking

The Family Educational Rights and Privacy Act (FERPA) (Title 20 of the United States Code §1232(g), 2020; Title 34 of the Code of Federal Regulations, Part 99, 2020) prohibits improper disclosure of personally identifiable student information by any educational agency or institution that receives funding under any program administered by the U.S. Department of Education (ED). In 2016, ED guidance on reporting education data in compliance with FERPA changed, relaxing requirements for masking state-level data. Based on this guidance, data presented in this report are not masked.

Retention and Student Performance

Statutory Requirements

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 (2019). Passing rates and average scores were calculated separately, by grade level, for English- and Spanish-language versions of the 2019 State of Texas Assessments of Academic Readiness (STAAR) reading and mathematics tests for Grades 3-8. Typically, for students repeating a grade in a given school year, STAAR results from the previous school year would be compared to results from the current school year in this section of the report. However, as noted in the section "Student Performance on the State of Texas Assessments of Academic Readiness" on page 9, all administrations of the 2020 STAAR were canceled. For comparison purposes, 2019 STAAR results are presented for promoted and retained students.

Passing Rates

Among students in Grades 3-8 who took the English-version STAAR reading and mathematics tests in spring 2019, passing rates were higher for students who were promoted than for students who were retained (Table 1). For example, 86.8 percent of promoted Grade 5 students passed the reading test in spring 2019, whereas 19.7 percent of retained fifth graders passed the test. Similarly, 86.8 percent of promoted Grade 8 students passed the mathematics test in spring 2019, whereas 28.8 percent of retained eighth graders passed.

Table 1
State of Texas Assessments of Academic Readiness (STAAR) Percentage Passing 2019
and 2020, Grades 3-8, by Grade and Promotion Status 2018-19, Texas Public Schools

Status	English-version STAAR				Spanish-version STAAR			
	Reading		Mathematics		Reading		Mathematics	
	2019	2020	2019	2020	2019	2020	2019	2020
Grade 3								
Promoted	76.2	– ^a	79.0	–	70.8	–	70.4	–
Retained	22.1	n/a ^b	23.8	n/a	22.4	n/a	23.7	n/a
Grade 4								
Promoted	74.9	–	74.9	–	60.8	–	59.0	–
Retained	20.3	n/a	16.7	n/a	12.0	n/a	17.7	n/a
Grade 5								
Promoted	86.8	–	91.4	–	87.9	–	75.0	–
Retained	19.7	n/a	31.1	n/a	29.6	n/a	7.4	n/a
Grade 6								
Promoted	66.9	–	80.0	–	–	–	–	–
Retained	17.0	n/a	29.1	n/a	–	–	–	–
Grade 7								
Promoted	74.6	–	73.1	–	–	–	–	–
Retained	23.2	n/a	20.8	n/a	–	–	–	–
Grade 8								
Promoted	86.0	–	86.8	–	–	–	–	–
Retained	25.7	n/a	28.8	n/a	–	–	–	–

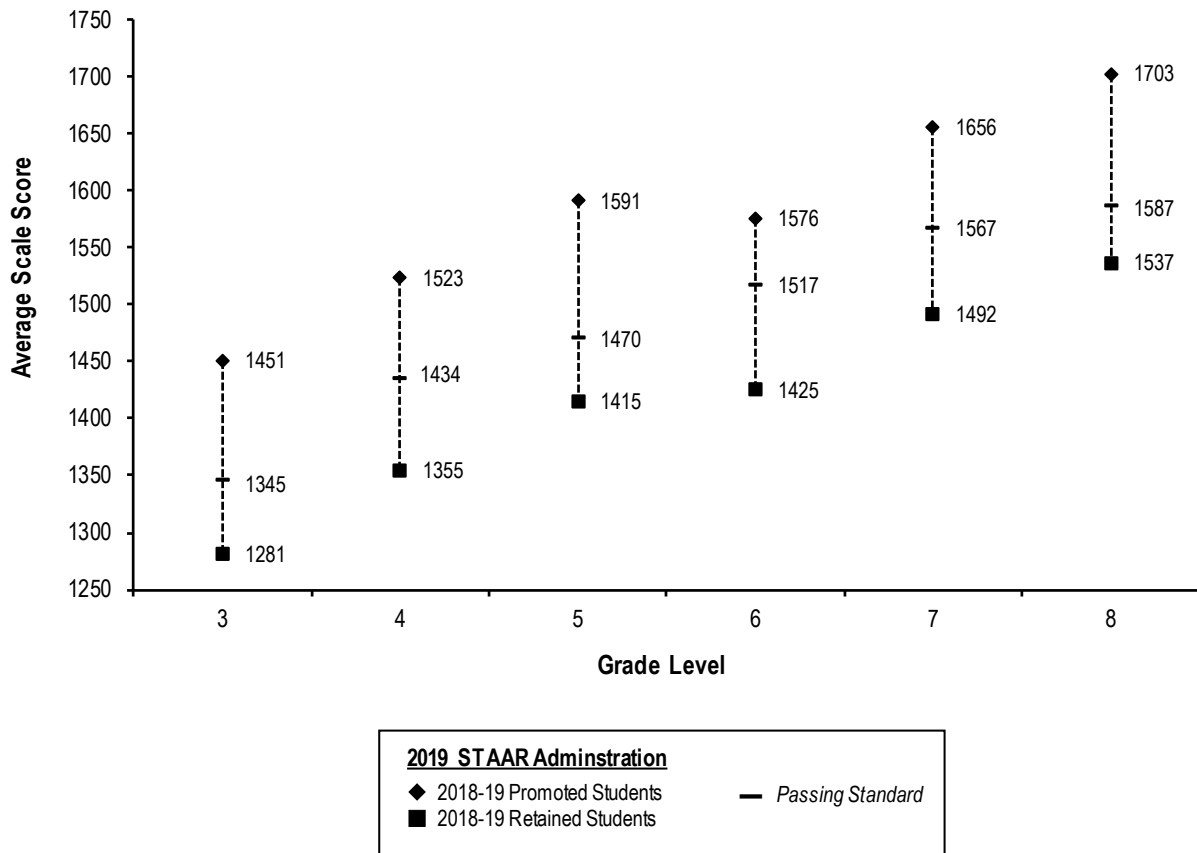
Note. Students taking advanced-level tests are excluded from these analyses.

^aA dash (–) indicates data are unavailable. Students promoted in 2019 were not expected to repeat the same grade-level test in 2020, and Spanish-version STAAR tests were available in Grades 3-5 only. ^bNot applicable. Due to COVID-19, 2020 STAAR tests were not administered for retained students. Please see the section "Student Performance on the State of Texas Assessments of Academic Readiness" on page 9 for additional information.

State of Texas Assessments of Academic Readiness Scores

Among students in Grades 3-8 who took the English-version State of Texas Assessments of Academic Readiness (STAAR) reading and mathematics tests in spring 2019, those promoted at the end of the 2018-19 school year had average scale scores on both tests that exceeded the passing standards in every grade (Figure 1 and Table 2). Average scale scores for retained students were lower than those for promoted students and below the passing standards on both tests in every grade.

Figure 1
Grade-Level Retention 2018-19 and Average Reading Scale Scores on the English-Version State of Texas Assessments of Academic Readiness (STAAR) 2019, Grades 3-8, Texas Public Schools



Note. Students taking advanced-level tests are excluded from these analyses.

Table 2
State of Texas Assessments of Academic Readiness (STAAR) Average Scale Scores 2019 and 2020, Grades 3-8, by Grade and Promotion Status 2018-19, Texas Public Schools

Status	English-version scale score						Spanish-version scale score					
	Reading			Mathematics			Reading			Mathematics		
	Passing standard ^a	2019	2020	Passing standard	2019	2020	Passing standard	2019	2020	Passing standard	2019	2020
Grade 3	1345			1360			1318			1360		
Promoted		1451	– ^b		1481	–		1410	–		1431	–
Retained		1281	n/a ^c		1300	n/a		1258	n/a		1295	n/a
Grade 4	1434			1467			1413			1467		
Promoted		1523	–		1579	–		1463	–		1512	–
Retained		1355	n/a		1395	n/a		1307	n/a		1394	n/a
Grade 5	1470			1500			1461			1500		
Promoted		1591	–		1663	–		1596	–		1570	–
Retained		1415	n/a		1468	n/a		1425	n/a		1423	n/a
Grade 6	1517			1536								
Promoted		1576	–		1648	–		–	–		–	–
Retained		1425	n/a		1494	n/a		–	–		–	–
Grade 7	1567			1575								
Promoted		1656	–		1657	–		–	–		–	–
Retained		1492	n/a		1516	n/a		–	–		–	–
Grade 8	1587			1595								
Promoted		1703	–		1706	–		–	–		–	–
Retained		1537	n/a		1559	n/a		–	–		–	–

Note. Students taking advanced-level tests are excluded from these analyses.

^aThe minimum score required to pass each test. ^bA dash (–) indicates data are unavailable. Students promoted in 2019 were not expected to repeat the same grade-level test in 2020, and Spanish-version STAAR tests were available in Grades 3-5 only. ^cNot applicable. Due to COVID-19, 2020 STAAR tests were not administered for retained students. Please see the section "Student Performance on the State of Texas Assessments of Academic Readiness" on page 9 for additional information.

Student Performance and Promotion

*Student Success Initiative
Grade Advancement Summary*

Grade 5

Grade 8

Student Success Initiative Grade Advancement Summary

The Student Success Initiative (SSI) stipulates that students in Grades 5 and 8 can advance to the next grade level only by passing the state reading and mathematics assessments or by unanimous decision of a grade placement committee (GPC) (TEC §28.0211, 2019). This section analyzes 2019 STAAR performance and promotion status for Grades 5 and 8. A companion report, *Grade-Level Retention in Texas Public Schools, 2018-19* (Texas Education Agency, 2020), presents retention data by student characteristics and program participation.

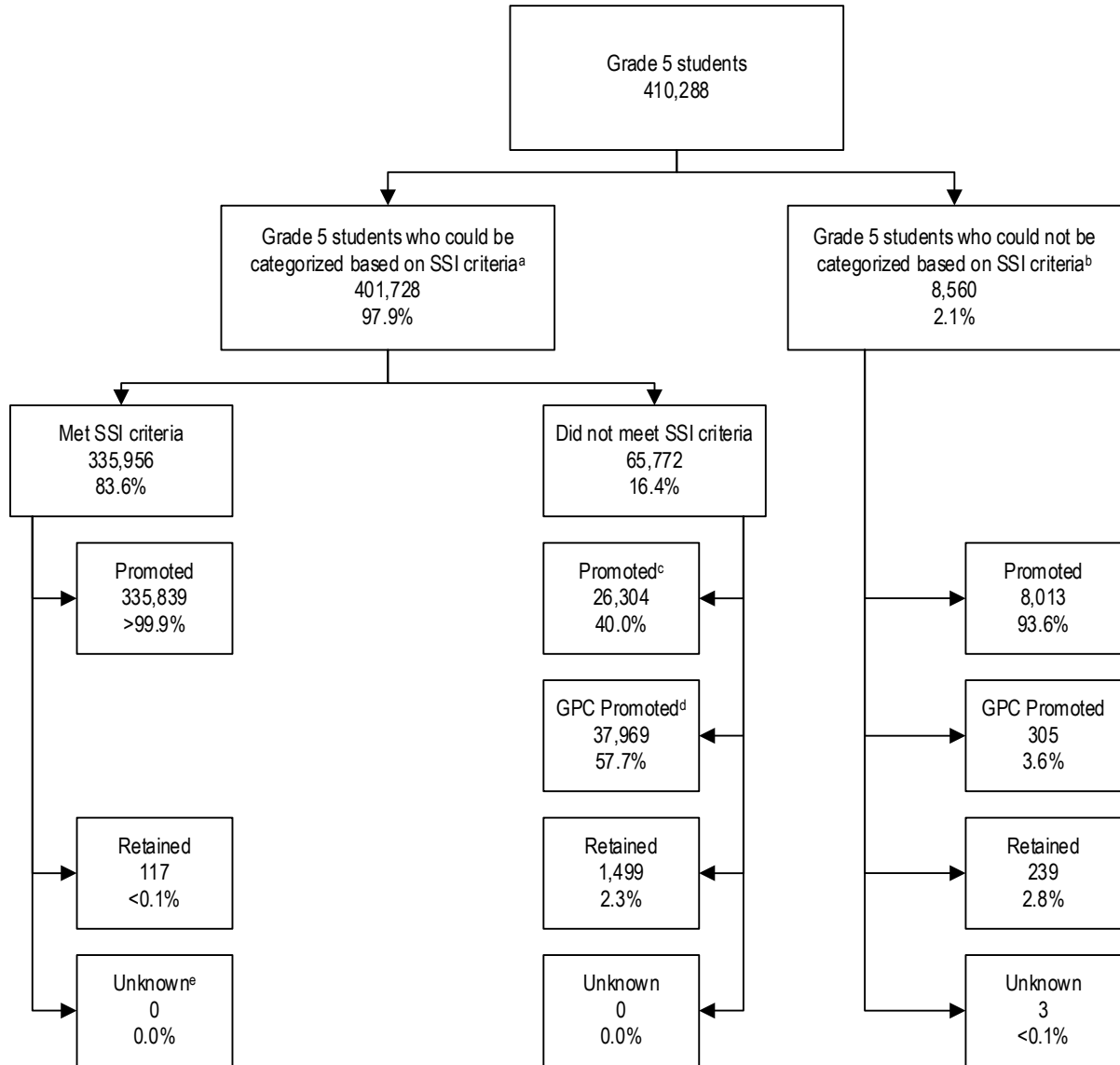
In the tables and figures that follow, results for students in Grades 5 and 8 are presented based on SSI grade advancement criteria. Students who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. Students who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria. The numbers and percentages of students who were promoted and retained in 2018-19 were calculated for each of the three groups.

In the 2018-19 school year, 65,772 fifth graders and 67,175 eighth graders did not meet SSI criteria (Table 3 on page 20 and Table 5 on page 23). Of these, 1,499 fifth graders (2.3%) and 1,183 eighth graders (1.8%) were retained after the 2018-19 school year.

The majority of fifth- and eighth-grade students promoted after the 2018-19 school year had met SSI criteria. In fifth grade, 82.2 percent of all promoted students had met SSI criteria (Table 3 on page 20). A total of 38,274 students, or 9.4 percent of promoted fifth graders, were promoted by GPCs. These students either did not meet SSI criteria or could not be categorized based on SSI criteria (Figure 2). In eighth grade, 81.4 percent of all promoted students had met SSI criteria (Table 5 on page 23). A total of 37,510 students, or 9.4 percent of promoted eighth graders, were promoted by GPCs (Figure 3 on page 22).

Grade 5

Figure 2
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Test Results Combined, Grade 5, Texas Public Schools



Note. Parts may not add to 100 percent because of rounding.
^aUnder Texas Education Code §28.0211 (2019), students in Grades 5 and 8 were subject to Student Success Initiative (SSI) grade advancement criteria. Students who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. ^bStudents who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria. Students may be missing STAAR results because Public Education Information Management System (PEIMS) records could not be matched to STAAR records. Students not tested with STAAR may have been administered another version of STAAR, such as STAAR Alternate 2. ^cThese students may have had passing STAAR records that could not be matched to PEIMS records because of incorrect student identification information or may not have been correctly reported in PEIMS when grade placement committee (GPC) promotions were collected. ^dPromoted by GPC decision. ^ePromotion status could not be determined because of a grade-level reporting error.

Table 3
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Test Results Combined, Grade 5, Texas Public Schools

Reading and mathematics performance ^b	STAAR		Promotion status					
	Total		Promoted		Retained		Unknown ^a	
Met SSI ^c criteria	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Passed reading and passed math	334,209	99.5	334,093	>99.9	116	<0.1	0	0.0
Passed reading and took adv. ^d math	1,697	0.5	1,696	99.9	1	0.1	0	0.0
Took adv. reading and passed math	6	<0.1	6	100	0	0.0	0	0.0
Took adv. reading and took adv. math	44	<0.1	44	100	0	0.0	0	0.0
Total	335,956	100	335,839	>99.9	117	<0.1	0	0.0
Did not meet SSI criteria								
Failed reading and failed math	24,606	37.4	23,674	96.2	932	3.8	0	0.0
Failed reading and passed math	29,403	44.7	29,051	98.8	352	1.2	0	0.0
Failed reading and took adv. math	1	<0.1	1	100	0	0.0	0	0.0
Failed reading and missing math	9	<0.1	8	88.9	1	11.1	0	0.0
Passed reading and failed math	11,724	17.8	11,511	98.2	213	1.8	0	0.0
Took adv. reading and failed math	0	0.0	0	0.0	0	0.0	0	0.0
Missing reading and failed math	29	<0.1	28	96.6	1	3.4	0	0.0
Total	65,772	100	64,273	97.7	1,499	2.3	0	0.0
Could not be categorized based on SSI criteria								
Missing reading and missing math	8,529	99.6	8,288	97.2	238	2.8	3	<0.1
Missing reading and passed math	16	0.2	15	93.8	1	6.3	0	0.0
Missing reading and took adv. math	0	0.0	0	0.0	0	0.0	0	0.0
Passed reading and missing math	15	0.2	15	100	0	0.0	0	0.0
Took adv. reading and missing math	0	0.0	0	0.0	0	0.0	0	0.0
Total	8,560	100	8,318	97.2	239	2.8	3	<0.1

Note. Parts may not add to 100 percent because of rounding.

^aPromotion status could not be determined because of a grade-level reporting error. ^bUnder Texas Education Code §28.0211 (2019), students in Grades 5 and 8 were subject to Student Success Initiative (SSI) grade advancement criteria. Students who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. Students who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria. ^cStudent Success Initiative. ^dAdvanced-level.

Table 4
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Grade 5, by Test, Texas Public Schools

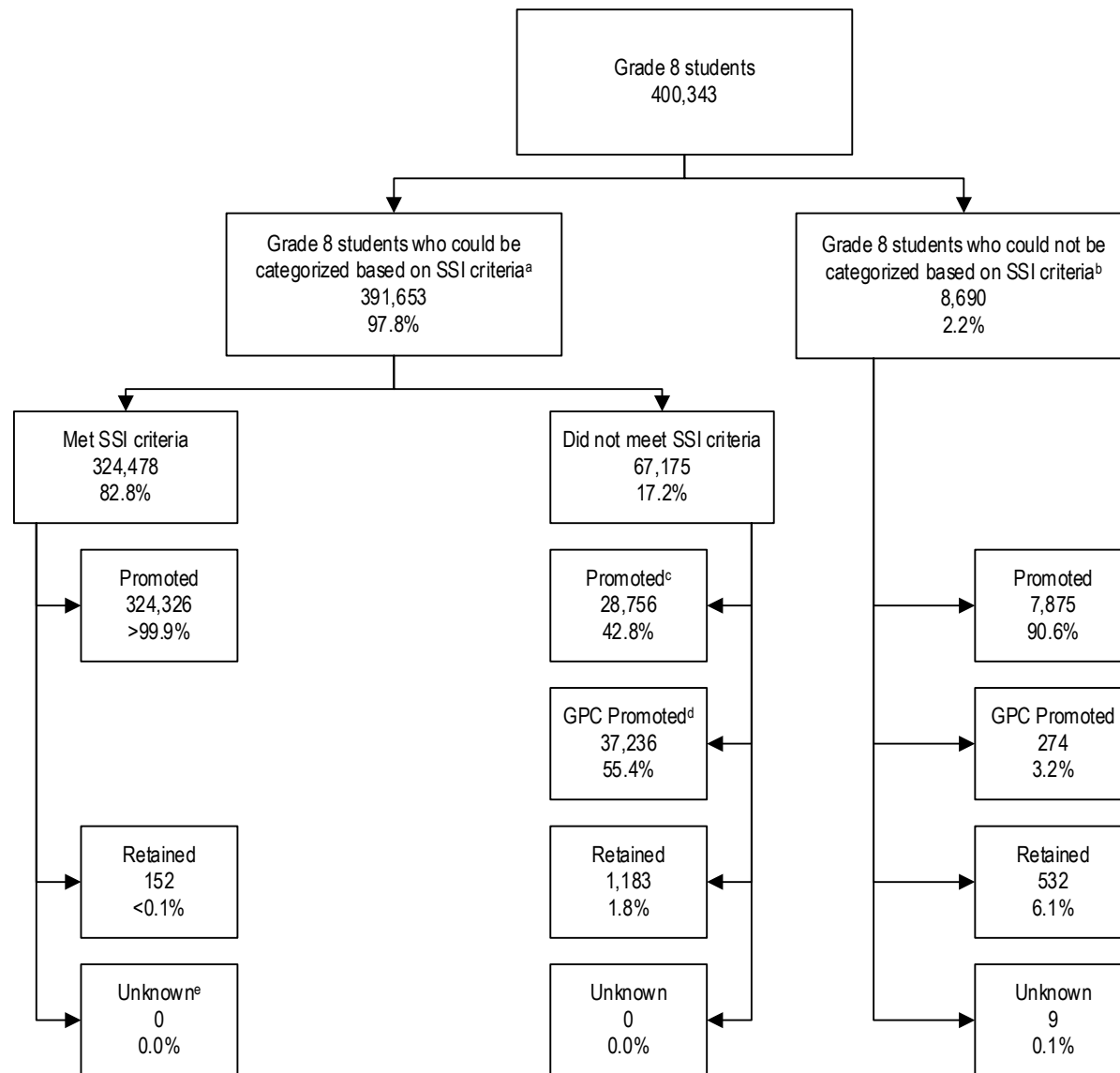
Results	STAAR		Promotion status					
	Total		Promoted		Retained		Unknown ^a	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
English-version Grade 5 reading								
Passed	334,037	86.4	333,755	99.9	282	0.1	0	0.0
Failed	52,292	13.5	51,120	97.8	1,172	2.2	0	0.0
Not tested	74	<0.1	71	95.9	3	4.1	0	0.0
Total	386,403	100	384,946	99.6	1,457	0.4	0	0.0
English-version Grade 5 mathematics								
Passed	359,432	91.1	358,972	99.9	460	0.1	0	0.0
Failed	34,992	8.9	33,956	97.0	1,036	3.0	0	0.0
Not tested	58	<0.1	56	96.6	2	3.4	0	0.0
Total	394,482	100	392,984	99.6	1,498	0.4	0	0.0
Spanish-version Grade 5 reading								
Passed	13,609	87.2	13,561	99.6	48	0.4	0	0.0
Failed	1,994	12.8	1,879	94.2	115	5.8	0	0.0
Not tested	0	0.0	0	0.0	0	0.0	0	0.0
Total	15,603	100	15,440	99.0	163	1.0	0	0.0
Spanish-version Grade 5 mathematics								
Passed	4,204	73.5	4,195	99.8	9	0.2	0	0.0
Failed	1,516	26.5	1,403	92.5	113	7.5	0	0.0
Not tested	0	0.0	0	0.0	0	0.0	0	0.0
Total	5,720	100	5,598	97.9	122	2.1	0	0.0

Note. Parts may not add to 100 percent because of rounding. Students taking advanced-level tests are excluded from these analyses.

^aPromotion status could not be determined because of a grade-level reporting error.

Grade 8

Figure 3
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Test Results Combined, Grade 8, Texas Public Schools



Note. Parts may not add to 100 percent because of rounding.

^aUnder Texas Education Code §28.0211 (2019), students in Grades 5 and 8 were subject to Student Success Initiative (SSI) grade advancement criteria. Students who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. ^bStudents who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria. Students may be missing STAAR results because Public Education Information Management System (PEIMS) records could not be matched to STAAR records. Students not tested with STAAR may have been administered another version of STAAR, such as STAAR Alternate 2. ^cThese students may have had passing STAAR records that could not be matched to PEIMS records because of incorrect student identification information or may not have been correctly reported in PEIMS when grade placement committee (GPC) promotions were collected. ^dPromoted by GPC decision. ^ePromotion status could not be determined because of a grade-level reporting error.

Table 5
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Test Results Combined, Grade 8, Texas Public Schools

Reading and mathematics performance ^b	STAAR		Promotion status					
	Total		Promoted		Retained		Unknown ^a	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Met SSI^c criteria								
Passed reading and passed math	216,242	66.6	216,120	99.9	122	0.1	0	0.0
Passed reading and took adv. ^d math	103,492	31.9	103,463	>99.9	29	<0.1	0	0.0
Took adv. reading and passed math	1,853	0.6	1,853	100	0	0.0	0	0.0
Took adv. reading and took adv. math	2,891	0.9	2,890	>99.9	1	<0.1	0	0.0
Total	324,478	100	324,326	>99.9	152	<0.1	0	0.0
Did not meet SSI criteria								
Failed reading and failed math	27,197	40.5	26,456	97.3	741	2.7	0	0.0
Failed reading and passed math	26,462	39.4	26,246	99.2	216	0.8	0	0.0
Failed reading and took adv. math	1,785	2.7	1,733	97.1	52	2.9	0	0.0
Failed reading and missing math	31	<0.1	29	93.5	2	6.5	0	0.0
Passed reading and failed math	11,628	17.3	11,458	98.5	170	1.5	0	0.0
Took adv. reading and failed math	51	0.1	51	100	0	0.0	0	0.0
Missing reading and failed math	21	<0.1	19	90.5	2	9.5	0	0.0
Total	67,175	100	65,992	98.2	1,183	1.8	0	0.0
Could not be categorized based on SSI criteria								
Missing reading and missing math	8,325	95.8	7,784	93.5	532	6.4	9	0.1
Missing reading and passed math	14	0.2	14	100	0	0.0	0	0.0
Missing reading and took adv. math	88	1.0	88	100	0	0.0	0	0.0
Passed reading and missing math	47	0.5	47	100	0	0.0	0	0.0
Took adv. reading and missing math	216	2.5	216	100	0	0.0	0	0.0
Total	8,690	100	8,149	93.8	532	6.1	9	0.1

Note. Parts may not add to 100 percent because of rounding.

^aPromotion status could not be determined because of a grade-level reporting error. ^bUnder Texas Education Code §28.0211 (2019), students in Grades 5 and 8 were subject to Student Success Initiative (SSI) grade advancement criteria. Students who (a) passed grade-level tests in both reading and mathematics, (b) passed a grade-level test in one subject and took an advanced-level test in the other subject, or (c) took advanced-level tests in both subjects were categorized as meeting criteria. Students who failed one or both grade-level tests were categorized as not meeting criteria. Students who (a) were missing results for both tests, (b) passed one test but were missing results for the other, or (c) were missing one test and took an advanced-level test for the other could not be categorized based on SSI criteria. ^cStudent Success Initiative. ^dAdvanced-level.

Table 6
State of Texas Assessments of Academic Readiness (STAAR) 2019 Performance and Promotion Status 2018-19, Grade 8, by Test, Texas Public Schools

Results	STAAR		Promotion status					
	Total		Promoted		Retained		Unknown ^a	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
English-version Grade 8 reading								
Passed	331,409	85.7	331,088	99.9	321	0.1	0	0.0
Failed	55,475	14.3	54,464	98.2	1,011	1.8	0	0.0
Not tested	48	<0.1	47	97.9	1	2.1	0	0.0
Total	386,932	100	385,599	99.7	1,333	0.3	0	0.0
English-version Grade 8 mathematics								
Passed	244,571	86.3	244,233	99.9	338	0.1	0	0.0
Failed	38,897	13.7	37,984	97.7	913	2.3	0	0.0
Not tested	45	<0.1	44	97.8	1	2.2	0	0.0
Total	283,513	100	282,261	99.6	1,252	0.4	0	0.0

Note. Parts may not add to 100 percent because of rounding. Students taking advanced-level tests are excluded from these analyses.

^aPromotion status could not be determined because of a grade-level reporting error.

References

References

- Family Educational Rights and Privacy Act. 20 U.S.C. §1232(g) (2020), retrieved August 11, 2020, from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232g&num=0&edition=prelim>; 34 C.F. R. Part 99 (2020), retrieved August 11, 2020, from <https://www.ecfr.gov/cgi-bin/text-idx?SID=eb8a178865ca4bdc65ecc458b5046dd&mc=true&node=pt34.1.99&rgn=div5>
- Rehabilitation Act of 1973. 29 U.S.C. §794 (2020), retrieved August 11, 2020, from <http://uscode.house.gov/view.xhtml?path=/prelim@title29/chapter16&edition=prelim>; 34 C.F.R. Part 104 (2020), retrieved August 11, 2020, from <https://www.ecfr.gov/cgi-bin/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. (2020). Retrieved September 16, 2020, from [http://texreg.sos.state.tx.us/public/tacctx\\$.startup](http://texreg.sos.state.tx.us/public/tacctx$.startup)
- Texas Education Agency. (2019). *2018-2019 TEDS – ESCs & LEAs using TSDS PEIMS only*. Retrieved August 11, 2020, from https://www.texasstudentdatasystem.org/TSDS/TEDS/1819A/PEIMS_Data_Standards
- Texas Education Agency. (2020). *Grade-level retention in Texas public schools, 2018-19* (Document No. GE20 601 11). Austin, TX: Author.
- 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. (2019). *Texas school law bulletin*. Charlottesville, VA: Matthew Bender.

Texas Government Code §418.016. (2020). Retrieved September 16, 2020, from
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.418.htm#418.016>

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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.

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