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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
Meeting Summary	Discussion focused on accelerated instruction requirements and how TEA does not have any flexibility in rewriting or revoking 101.2006 because of statutory requirements found in TEC 28.0211 (a-1) and (a-2). If any changes are to occur with accelerated instruction, TEC 28.0211 will need to be amended to allow modifications to current TAC. Per the accelerated instruction waiver, it was explained that this was developed to allow additional time for districts to adapt to the new accelerated instruction requirements. Student Assessment will not modify Subchapter BB at this time. In 2011-2012, all rules will be reviewed to ensure effective implementation of the State of Texas Assessments of Academic Readiness (STAAR) program.						
101	2001	Keep the current rule as is. The rule serves the important function of incorporating recent statutory changes to state student academic promotion standards/policies as well as provides a framework for factors impacting decisions about student promotion.	No change.	Keeping the current rule as is helps ensure consistency in application of factors affecting student promotion decisions under state law.	See chapter summary.	28.021, 28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. No change requested.
101	2001	Time in the day to provide AI for every student. Ex - 5th grade science is not tested again unti grade 8. Are we to provide AI for 3 years?	Remove requirements ffrom subjects and grades not being tested every year.	Allow campus to make site-based decisions on students needs, especially if a campus has acceptable status.	See chapter summary.	28.021, 28.0211	Statutory change required. TEC 28.0211 (a-1) states that accelerated instruction will be provided to a student for all subject areas for which a student failed an assessment. Accelerated instruction is legally required, and for non-SSI assessments can occur at any time, including summer school or the beginning of the next school year. Further, it is left up to districts how accelerated instruction requirements are best met. TEC 28.0211 (a-1) does not require continual accelerated instruction for a student until he/she takes the same subject-area assessment again, but rather that accelerated instruction in the appropriate curriculum is provided to the student.

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101	2001	Accelerated instruction- wording and process is very confusing.	Needs clarification- when is it required (timelines) - for which students, the letter to the administrator added to the confusion;	Clarity, understanding, efficiency	See chapter summary.	28.021, 28.0211	Statutory change required. 101.2001 points to 101.2006 where applicable. 101.2006 is specific that accelerated instruction is required if a grade 3-8 student has failed any assessment; for students in grade 5 or grade 8, the accelerated instruction shall occur before the next administration or grade promotion.
101	2001	Rule/law still required SSI for grades 5 and 8	Delete all SSI for Grades 5 and 8; SSI is suppose to keep pressure on to move forward, but accountability is there to do that, and puts the pressure on the adults/teachers. SSI puts the pressure on the children. Would be cost savings not to have multiple tests, recomputing TPM, etc. SSI makes 5th and 8th more “important” – 4th grade not worried about passing, but all grades should be equally concerned about passing. Interventions need to be planned and started immediately after first assessment, why spend more time and money on more assessments.	Reduce pressure on students and parents, Reduce ttesting costs, increase efficiency, makes it important to pass each grade level tests, stops the confusion on TPM, accountability,	See chapter summary.	28.021, 28.0211	Statutory change required. SSI requirements stem from TEC 28.0211. TEA and districts are legally obligated to implement the program to the best of their ability.

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101	2001	Revision to (c)	Expand the accelerated instruction provision taht applies to grades 3-8 to all other grades and subjects tested Reduce the amount of paperwork involved when a student qualifies to receive accelerated instruction	continuity of testing program	See chapter summary.	28.021, 28.0211	Statutory change required. Accelerated instruction requirements are governed by TEC 28.0211 and cannot be expanded in rule without legislative authority.
101	2001 2003(d), (e), (f), (g)	The rules make reference to the Grade Placement Committee (GPC) manual but do not provide much specificity as to who participates in decision-making for various students, nor to how these decisions are to be made.	At a minimum the rules should clarify required participants in GPCs (by role group) and clarify relationships between GPCs, LPACs, ARDs, and whether there are particular requirements related to students with dyslexia. Perhaps specific figures/chapters from the GPC manual could be adopted into rule by reference.	These changes would help promote consistency in procedures from campus to campus and district to district.	See chapter summary.	28.021(b), 28.0211(i)	Statutory change required. 101.2007(b) and TEC 28.0211(c) specify the composition of a GPC. ARDs are convened for those students who are covered by Chapter 29 of TEC, and TEC 28.0211(i) specifies the role of the ARD in making SSI decisions. The LPAC is specifically for language proficiency issues.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	2003	Rules on grade placement	Student who moves in after first administration, is not subject to grade placement. But districts are supposed to provide opportunity to test and accelerated instruction – seems to contradict.	Clarity and fairness	See chapter summary.	28.0211(a), 39.023(a)(b)(1)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEC 28.0211 states that all students who fail any assessment in grades 3-8 will receive accelerated instruction in the subject area that the student failed. For SSI grades, students shall be given three opportunities to test, and if the student fails, the student is entitled to accelerated instruction before the next administration.
101	2003	The TEC establishes grade advancement requirements in grades 5 and 8. In 2009-2010 funding for this mandate was withdrawn.	Funding is essential or the requirements must be modified.	The prescriptive nature and parameters of the current rules of this mandate are difficult to implement without adequate funding.	See chapter summary.	28.0211(a), 39.023(a)(b)(1)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Funding for SSI in 2009-2010 was not withdrawn; rather, the program grants changed.
	2003		Participant group strongly recommends removing the third examination administration.	Currently, there are only 3 weeks between the receipt of the scores for second administration and the third administration. Participant group felt that for the group of students who would need the third administration, three weeks does not allow for adequate acceleration. In Region 10, only 6% of students participate in the third administration.	See chapter summary.	28.0211	Statutory change required to remove third administration.

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101	2003(b) (c)	The rules specify that eligible students who enroll in school at any point between January 1 and the first administration of the grade advancement assessments is subject to SSI. It is inappropriate and unreasonable to hold students accountable when they have not had benefit of the full year of instruction.	All students need reasonable opportunity to learn the material on which they are being tested. It would be more appropriate to apply SSI to students who were enrolled in TX public schools continuously from the end of the school start window, or from the official “Snapshot” date, to the first administration of the grade advancement assessments.	This revision assures that students have sufficient opportunity to learn before assessment results are a mandatory basis for grade level retention, unless GPCs determine otherwise.	See chapter summary.	28.021, 28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.
101	2003	Keep the current rule as is. It serves the important function of identifying when a student must be enrolled in order to be subject to the Student Success Initiative, as well as specific considerations for special education and Limited English Proficient students.	No change.	Keeping the current rule as is provides school districts with important information regarding which students are subject to the SSI as well as special considerations for students in special education and/or who are LEP.	See chapter summary.	28.0211(a), 39.023(a)(b)(1)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. No change requested.

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101	2003(f) , 101.2007(c)	101.2003(f) issue, ambiguous wording 101.2007(c)issue, needs clarification	101.2003(f) change "LPAC committee" to "Key member(s) to be locally determined in accordance with LPAC guidance." 101.2007(c)better clarification for ARD/GPC meeting and timelines after 3rd aministration.	Consistent with wording found in "Guidance related ARD Committee and LPAC collaboration" Too rushed and personnel are not working during summer months.	See chapter summary.	29.063, 28.021, 28.0211(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. 101.2003(f), -- unsure of exact issue being addressed. 101.2007 (c) -- Under TEC 28.0211 (c). students are entitled to GPC after failing a second administration in order to begin to determine grade promotion/retention and accelerated instruction needs. This passage is consistent with state law.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	2005(b)	The rule indicates that "TEA shall provide three opportunities per year for the tests required for grade advancement as specified in the Texas Education Code, §28.0211(a)." For EOCs, Agency staff have informed districts in presentations at major conferences that the tests will be given three times per year: near the end of the spring semester, once in mid- to late summer, and near the end of the fall semester. This means that students taking EOCs have only one opportunity to test before the end of the school year. If they fail the test and this in turn results in course failure, students do not have a second chance before the end of the semester to retake the test. It also means, for Algebra II and ELA III, fewer retest opportunities before graduation than is afforded students currently	TEA should provide an EOC retest opportunity before the end of the semester just as is done with fifth and eighth grade high-stakes tests. It may be reasonable to extend such opportunities only for the "most advanced" EOC in each subject area: ELA III, Algebra II, etc., to protect students' opportunities to graduate on-time with their peers. This should be in addition to the possibility of allowing students to demonstrate mastery of the TEKS and/or college readiness through alternative means, such as test score substitutions or project-based alternatives.	It provides students with additional opportunity to satisfy graduation examination requirements in a timely manner.	See chapter summary.	28.0211(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEC 28.0211 (a) pertains to SSI grades only and does not apply to EOC requirements. The assessment schedule for the STAAR program has not been finalized, but it is correct that three testing opportunities per school year will be offered. The Student Assessment Division does not determine when students take specific courses, but it is also correct that the number of testing opportunities prior to graduation will be tied to when students take specific courses.

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taking exit-level examinations. Also, for students who take IPC, the final required EOC in science (most likely physics) will not be taken until spring of senior year, meaning that on-time graduation will hinge on the results of one test taken on one day.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	2005, 2006	Districts required to provide accelerated instruction to students living in the district only during the summer months.	Students comes into your district but attends another district, the accelerated instruction ratio is 10:1, but the system doesn't provide funding to accommodate non-district students attending. If the out-of-district child throws the ratio over limit, offer a waiver from the ratio.	Fairness, clarity, and efficiently	See chapter summary.	28.021, 28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. As specified in the GPC manual, when a district is receiving an out-of-district student for summer accelerated instruction, the district is not required to create an additional class in cases where the out-of-district student increases the student-to-teacher ratio above 10:1 for accelerated instruction. In this case, the district should include the student in the existing class and request a waiver from TEA allowing the additional student. Because the district is not required to create an additional class or provide additional instructors, the cost of adding an out-of-district student should be minimal.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	2006	The existing rule states; "Each time a student in Grades 3-8 fails to perform satisfactorily on an assessment instrument administered under the Texas Education Code (TEC), §39.023(a), the school district or charter school shall provide the student with accelerated instruction in the applicable subject" Funding which supported the requirement, including related staffing, has been eliminated. This creates an unfunded mandate.	Either eliminate the requirement or reinstate funding.	Funding the requirement is essential for districts to meet the requirement.	See chapter summary.	28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. Issue refers to TEC 28.0211(a-1) and (a-2) and the TEA does not have the authority to change legislative requirements through the rulemaking process.
101	2006	If transportation is required there should be funding allotted.	Fund the transportation or do away with the requirement.	Unfunded additional cost on the district based on geographic size of the district.	See chapter summary.	28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. Issue refers to TEC 28.0211(a-1) and (a-2) and the TEA does not have the authority to change legislative requirements through the rulemaking process.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	2006	Section 101.2006(e)(2) should be revised because it does not contain prior rule language allowing for consideration of extenuating circumstances adversely impacting the student's ability to participate in accelerated instruction in making promotion decisions.	Section 101.2006(e)(2) should be changed as follows: "(e) In addition, for students required to take state assessments specified under the TEC, §28.0211(a): (2) a student who fails to perform satisfactorily on an assessment instrument specified under the TEC, §28.0211(a), after the first, second, and third testing opportunities and who is promoted to the next grade level must complete, in accordance with state and local school board policy, all the accelerated instruction required under this section before placement in the next grade level. A student who fails to complete all the required accelerated instruction may not be promoted., although exceptions may be allowed by the GPC for extenuating circumstances that may have adversely affected the student's ability to participate in accelerated instruction."	The original language of the rule, before it was recently changed, allowed the GPC to consider extenuating circumstances that may have adversely affected the student's participation in instruction, the student's participation in the required assessments, or the student's participation in accelerated instruction, in making decisions about student promotion. This was most likely in recognition that circumstances beyond a student's control, such as becoming very ill, or having to care for siblings or even a parent, could simply prevent the student from completing the accelerated instruction through no fault of their own. Inability to complete accelerated instruction due to these kinds of extenuating circumstances is now even more likely going to be the case given that the recently	See chapter summary.	28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. TEC 28.0211 does not allow for any exemptions from accelerated instruction.

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CONTINUED DESIRED CHANGE: adversely affected the student's ability to participate in accelerated instruction." CONTINUED RATIONALE: case given that the recently changed rules also allow for accelerated instruction to occur before or after normal school hours and/or at times of the year outside of normal school operations. Additionally, many school districts apparently have policies in which students failing the TAKS test who are promoted receive accelerated instruction in conjunction with being promoted, so that they receive accelerated instruction at the same time that they start the new grade level. This appears to be a reasonable solution to the competing goals of ensuring that student receive sufficient remediation before they get too far "down the pike" and minimizing the stigma and resulting issues that are associated with being retained.							
	2006	District is forced to accept an out of district student with no choice.	Allow the local district discretion in accepting out of district students.	Local control given to the district on who is on their campus.	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. The rule is not limiting; however, the agency will address in guidance. As specified in the GPC manual, when a district is receiving an out-of-district student for summer accelerated instruction, the district is not required to create an additional class in cases where the out-of-district student increases the student-to-teacher ratio above 10:1 for accelerated instruction. In this case, the district should include the student in the existing class and request a waiver from TEA allowing the additional student. Because the district is not required to create an additional class or provide additional instructors, the cost of adding an out-of-district student should be minimal.

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101	2006	Without ARI/AMI funding LEAs cannot provide accelerated intruction for students in grades 3-8 who fail to perform satisfactorily	Fund the program or remove requirement for accelerated instruction.	Budgets are so tight that it will be difficult to fund this mandate	See chapter summary.	28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.
101	2006	Unfunded mandate. There are not enough funds from any source, federal or state, to meet the needs of AI, much less the out of district student. Limit of 10 to 1 staffing based on district number without O-O-D students.	District be allowed to charge a fee for out of district students.	Lack of funding.	See chapter summary.	28.0211, 39.023(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. The rule is not limiting. With regard to the 10:1 ratio, as specified in the GPC manual, when a district is receiving an out-of-district student for summer accelerated instruction, the district is not required to create an additional class in cases where the out-of-district student increases the student-to-teacher ratio above 10:1 for accelerated instruction. In this case, the district should include the student in the existing class and request a waiver from TEA allowing the additional student. Because the district is not required to create an additional class or provide additional instructors, the cost of adding an out-of-district student should be minimal.

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101	2006(e)(1)(2)	Districts are being required to provide students accelerated instruction (AI) during the interval between third administration of TAKS and start of the following school year, and provide transportation to same. Funding is not attached to delivery of these services, so districts incur all associated costs, and both administrative and instructional staff typically are off contract at this time of year. Districts also typically need this time for building maintenance that would otherwise completely disrupt the teaching and learning process. Finally, the provisions in (e)(1) and (e)(2) seem to contradict one another. On the one hand, there is not another "next administration of the applicable assessment " between July and the following spring administration of TAKS, CONTINUED:	TEA should clarify that because there is no "next administration of the applicable assessment" after July, districts are permitted to deliver AI beginning with the start of school in the following school year. No added requirements should be imposed in exchange for this flexibility; districts should not have to go through a waiver request process related to this provision.	The clarification will eliminate the conflicts; doing away with the need to request waivers streamlines district and Agency procedures.	See chapter summary.	28.0211(a)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. 101.2006 (e)(1) and (e)(2) are not in contradiction. 101.2006(e)(2) deals specifically with students who have failed all administrations of an SSI instrument and have still been promoted. If a student who has failed all three administrations was not promoted, (e)(2) is not applicable. 101.2006(e)(1) only pertains to students who have failed an SSI administration and who will take one or more assessments for a second or third time. For these students, they are required to receive accelerated instruction before the next administration. If there is not another administration, the section does not apply. With regard to the waiver to allow accelerated instruction for promoted students who failed all three administrations of an SSI assessment, this was an allowance made by TEA to allow districts time to adjust to the mandated accelerated instruction requirements found in TEC 28.0211. TEC 28,0211 does not allow grade promotion before accelerated instruction, but it was understood by TEA that districts needed an adjustment period to this requirement and this was granted by TEA in the form of a waiver.

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so it should be permissible to begin AI with the start of the following school year; on the other, (e)(2) speaks of completing AI "before placement in the next grade level."

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101	2007	Release of the item analysis and test prior to retest would enable more targeted accelerated instruction. Also some liked the 3rd grade included in the SSI.	None	More targeted instruction based on the item analysis would be more efficient and should result in better student performance on the retest.	See chapter summary.	28.0211, 39.023(e)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. Release of tests is governed by TEC 39.023 (e) Grade 3 SSI requirements have been removed from TEC by the 81st Regular Texas Legislature, HB 3.
101	2007	This rule serves the important function of delineating the duties of the GPC and the standards it must follow in making promotion decisions about students, however it would be beneficial to change the rule so that a student may be promoted if the GPC decision is unanimous, regardless of whether the student has completed all required acceleration. We understand that this requirement only applies to 5th and 8th graders, but it would be beneficial if it did not apply to any grade level.	in Section 101.2007(f) delete ", and the student has completed all required accelerated instruction specified in Section 101.2006 of this title."	This rule is important as it provides school districts and GPCs with important information about the duties of the GPC and the standards it must follow in making promotion decisions about students.	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. TEC 28.9211 (a-2) specifically requires the completion of accelerated instruction prior to placement or promotion for students in grade 5 or 8 who are promoted/placed by the GPC. TEA does not have the authority to change the rule as suggested in the comment.

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101	2007	Yes, criteria is not clearly specified "accelerated instruction" Parameters for sending a child to next level are too vague--leads to social promotion	More accountability for accelerated instruction in 6th/9th More specific parameters for the accelerated instruction; teacher/student ratio/time on task, etc. Funding for these additions needs from the state	To increase student achievement before moving students into more complicated subjects - requirements without the needed resources. Guide/Deter social promotion	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Statutory change required. Specific accelerated instruction requirements are outlined in 101.2006, which is in compliance with TEC 28.0211. Language in 101.2007 refers to 101.2006 where appropriate.
101	2007	Rule states within ten working days following the receipt of the test materials from the school district or charter school.	If SSI remains: Need results from the second administration of TAKS for SSI grade levels sooner in order to begin accelerated instruction earlier in the summer.	efficiency and effectiveness	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. The reporting timeframe is largely determined by the logistics of processing over 3 million test answer documents, but in many cases online notification of whether a student passed or failed occurs in fewer than ten days.

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101	2009	Keep the current rule as is. The rule serves the important function of requiring school districts to notify parents in a timely manner of the grade advancement requirements at the beginning of the school year, as well as providing parents notice when a student is at risk of failing the first assessment administered and/or subsequent administrations, and information about any required accelerated instruction.	No change.	Keeping the current rule as is helps ensure that parents are made aware of promotion requirements and that their child is at risk of failing assessments and/or a grade level in a timely manner.	See chapter summary.	28.021, 28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. No change requested.
101	2011	No alternate assessments approved for grades 5/8 retest	Provide a list of alternate assessments or take away this option	If parents request an alternate assessment, there is not one to offer	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Alternative assessments for grades 5 and 8 reading and mathematics were provided and a list of the alternatives were included in a letter to districts dated June 23, 2010. Also, TEA can only provide an alternative when an organization or company can provide a linking study demonstrating that the proposed alternative assessment is as rigorous as the TAKS assessment and specifying the cut scores that correspond to the passing standard on the tests.

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101		Move in alignment of third administration for SSI.	Move to be in alignment with third administration for SSI. Move to June.	Move to be in alignment of third administration for SSI. Move to June in order for results to be available earlier to facilitate enrollment in higher education and placement for the following year.	See chapter summary.		All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Testing calendars are set outside of the rule-making process and take into account many factors including UIL events, when previous test administrations occurred, and time for accelerated instruction.
101		Test Administration and Schedule.	Test Administration and Schedule. First SSI in April. Retest is in May. Results are late and a consideration for moving retest two weeks earlier to facilitate GPC and planning committees work.	Test Administration and Schedule. First SSI in April. Retest is in May. Results are late and a consideration for moving retest two weeks earlier to facilitate GPC and planning committees work for summer school placement and Accelerated Instruction.	See chapter summary.		All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. This issue is outside the purview of the commissioner rules process. Test calendars must take into account many issues including UIL events, retest administrations, and accelerated instruction needs. Testing calendars are posted for public comment prior to being finalized; that would be the appropriate venue for requesting a change of this nature.
101		Possible loophole for parents	Students should be accountable for the grade advancement requirements no matter when they enroll. If they enroll after the first administriation they do not have to meet grade advancement requirements	Prevents the loophole	See chapter summary.	28.0211	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. First-time enrollment after the date of the first SSI administration is not an adequate amount of time of instruction to measure student learning in the TEKS curriculum.