

# Grade Placement Committee Manual

For Grade Advancement Requirements  
of the Student Success Initiative



Update for 2010–2011 School Year

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# Introduction



# INTRODUCTION

The goal of the Student Success Initiative (SSI) is to ensure that all students receive the instruction and support they need to be academically successful in mathematics and reading. This effort depends greatly on schools, parents and guardians, and community members working in partnership to meet individual student needs. This manual is designed to support school personnel in the implementation of the grade advancement requirements of the SSI, including the coordination of Grade Placement Committees (GPCs) as required by law.

The SSI was enacted by the 76<sup>th</sup> Texas Legislature in 1999. Significant changes were made by the 81<sup>st</sup> Texas Legislature in 2009, including the following.

- The grade 3 advancement requirements related to testing were eliminated. Students in grade 3 are no longer required to pass the Texas Assessment of Knowledge and Skills (TAKS) reading test to be promoted to grade 4.
- By the start of the school year, a district must make public the requirements for grade promotion under Texas Education Code (TEC), §28.021(d).
- SSI grade advancement requirements apply only to the TAKS mathematics and reading tests at grades 5 and 8. If a student does not demonstrate proficiency on one or both of these tests, the student may advance to or be placed in the next grade level only if (1) he or she completes **all** accelerated instruction required by the GPC, and (2) the GPC determines, by unanimous decision, that the student is likely to perform at grade level at the end of the next school year given additional accelerated instruction during the course of the year. In making promotion decisions, the GPC is required to consider the recommendation of the student's teacher, the student's grades, the student's TAKS scores, and any other relevant academic information.
- Required accelerated instruction must occur after each administration of the test, **including the third administration.**

To assist districts and charter schools in meeting the accelerated instruction provision listed above after the third administration of the test, the Texas Education Agency allows districts and charter schools to apply for an expedited waiver to adjust the timeline for providing accelerated instruction to students who fail the third administration. The waiver is granted if districts and charter schools meet certain conditions, which are specified below:

- identifying the intensive instruction a student needs
- targeting this intensive instruction to the TAKS objectives on which the student demonstrated weakness
- ensuring that this intensive instruction is completed during the first six weeks of school
- documenting that the student has completed this intensive instruction

In addition to intensive accelerated instruction, the GPC is responsible for developing an accelerated instruction plan that will provide the student with ongoing instructional support during the next school year.



- School districts must ensure that any student who fails to demonstrate proficiency in mathematics or reading, completes required accelerated instruction, and is promoted to the next grade level receives instruction in that subsequent grade from a teacher who meets all state and federal qualifications to teach that subject and grade. The No Child Left Behind Act of 2001 defines a highly qualified teacher as one who has obtained a full state teacher certification or has passed the state teacher licensing examination and holds a license to teach in the state; holds a minimum of a bachelor's degree; and has demonstrated subject-area competence in each of the academic subjects in which the teacher teaches.
- An eligible student who enrolls in a school district or charter school on any day between January 1 and the date of the first administration of the grade advancement assessments is subject to all of the SSI grade advancement requirements, including automatic retention. An eligible student who enrolls after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements but must receive the opportunity to test and be given access to required accelerated instruction.

In 2009 the legislature passed House Bill 3, which supports the goals of SSI by strengthening the state's accelerated instruction provisions for students in grades 3–8. Districts are now required to provide accelerated instruction to all students who do not demonstrate proficiency on TAKS. Whether they are in an SSI grade (grade 5 or 8) or a non-SSI grade (grades 3, 4, 6, or 7), students who do not meet the standard on TAKS must receive appropriate instructional intervention so that they will be able to make the academic progress necessary to do on-grade-level work at the next grade. Accelerated instruction may require participation by the student before or after normal school hours or at times of the year outside normal school operations.

## Purpose

This manual has three purposes:

- to provide clear administrative guidance, with step-by-step instructions that are illustrated with examples of student scenarios and sample forms and letters
- to guide GPCs in their decision-making responsibility concerning accelerated instruction and review upon appeal by a parent or guardian whether to promote or retain a student, which includes designing an accelerated instruction plan for the summer and/or following school year
- to assist district- and campus-level personnel with regard to accelerated instruction

## GPC Manual Organization

The GPC Manual is organized as follows:

- SSI Activities Guide
- SSI Topics
- Appendices
  - Laws and Rules
  - Sample Forms and Letters

The **SSI Activities Guide** is designed to be a chronological explanation of the SSI activities and requirements that occur throughout the school year. The guide includes an interactive flowchart, a timeline of SSI testing and notification dates and requirements, and important information about SSI requirements and activities at each step of the testing cycle: prior to the first SSI assessment, first administration, second administration, and third administration. The guide also includes checklists for each administration.

The “SSI Topics” section provides specific program information organized by subject matter. The topics include Requirements for Special Populations, Mobile and Migrant Students, Accelerated Instruction, the Grade Placement Committee, Parent Notification, Summer Accelerated Instruction and Testing, and Substitute Assessment Option.

**Appendix A, Laws and Rules**, contains links to the TEC, §28.0211 pertaining to grade advancement requirements and the Title 19 of the Texas Administrative Code (19 TAC), Chapter 101, Subchapter BB, Commissioner’s Rules Concerning Grade Advancement and Accelerated Instruction. In fall 2009 the commissioner of education and the State Board of Education (SBOE) began the process of adopting new rules and amending current rules to conform to the changes in SSI law enacted by the 81<sup>st</sup> Texas Legislature. The revised SSI and accelerated instruction rules became effective April 19, 2010.

**Appendix B, Sample Forms and Letters**, includes links to sample forms and letters that districts may use for the required and optional notification and progress-monitoring activities of the SSI. The forms are available in English and Spanish on the SSI page of the TEA Student Assessment Division website at <http://www.tea.state.tx.us/student.assessment/resources/ssi> in a format that facilitates downloading and editing for local use.

## Overview of the Grade Advancement Requirements of the Student Success Initiative

The SSI, enacted by the 76<sup>th</sup> Texas Legislature in 1999, is a system of support structured to ensure that all students gain sufficient understanding of the knowledge and skills in the Texas Essential Knowledge and Skills (TEKS) curriculum. The SSI is composed of three initiatives that, together, support on-grade-level student achievement in mathematics and reading so that every student can succeed throughout his or her school career. These three initiatives, as originally designed, were the Texas Reading Initiative, the Texas Math Initiative, and the grade advancement requirements in reading at grades 3, 5, and 8 and in mathematics at grades 5 and 8. In 2009 the 81<sup>st</sup> Texas Legislature amended the SSI initiatives to eliminate the grade 3 advancement requirements and modify the accelerated instruction requirements for grades 3–8.

This manual focuses on the grade advancement requirements of the SSI as set forth in TEC, §28.0211, Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction. As amended by the 81<sup>st</sup> Legislature, TEC §28.0211 (a) mandates that 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
  - (1) perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or
- (2) the ninth grade program to which the student would otherwise be assigned if the student does not
  - (2) perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

In addition, a student who fails to perform satisfactorily on reading and/or mathematics assessments at grades 5 and 8 may not be promoted to or be placed in the next grade level unless he or she completes **all** required accelerated instruction. This instruction may require participation of the student before or after normal school hours, during summer school, or before the beginning of the next school year.

The law requires school districts to provide students up to three testing opportunities during the spring and summer of the year, outlines the provision of accelerated instruction after each testing opportunity, and describes parents' rights regarding promotion and retention. The entire text of the law is available online at <http://www.statutes.legis.state.tx.us/DOCS/ED/PDF/ED.28.pdf>.

The law was further clarified through the adoption of 19 TAC, Chapter 101, Assessment, Subchapter BB. Commissioner's Rules Concerning Grade Advancement and Accelerated Instruction (herein referenced as "commissioner's rules"). Text of this chapter, which has been amended to conform to the new statutory provisions, is available online at <http://www.tea.state.tx.us/rules/tac/chapter101/ch101bb.html>. The purpose of these rules is to ensure the effective implementation of the grade advancement testing requirements as part of an overall system of support for student academic achievement. This system includes but is not limited to the following:

- assessment of student needs at preceding grades and corresponding early intervention activities that address those needs
- continuous and ongoing evaluation by a variety of means
- research-based instructional programs, which are defined as programs that are supported by scientific research that has been included in peer-review studies or been reviewed by a neutral panel. Additional evidence that supports effectiveness includes positive reports from districts and progress monitoring/outcome data from districts.
- targeted accelerated instruction informed by multiple testing opportunities and other means of evaluation
- a GPC that decides on an individual student basis the most effective way to support a student's academic achievement on grade level
- an accelerated instruction plan for every student who does not meet the passing standard on the required grade advancement assessments after three opportunities, whether he or she is retained or promoted upon parent appeal to the GPC and, if promoted, the completion of required accelerated instruction prior to placement or promotion

Students subject to SSI requirements include those receiving special education services who take TAKS, TAKS (Accommodated), or TAKS–Modified (TAKS–M), and students who receive dyslexia bundled accommodations. Special provisions for these populations are discussed in the “Requirements for Special Populations” section of this manual.

Due to the design of the TAKS–Alternate (TAKS–Alt) assessment (in that teachers make observations throughout the academic year and are expected to provide any necessary remediation during the course of the academic year), students participating in TAKS–Alt are not subject to SSI requirements.

English language learners (ELLs) who are granted an exemption from a state–mandated assessment due to their limited English proficiency (LEP) or who qualify for special provisions as unschooled asylees or refugees are not subject to SSI requirements. For more information on assessment policies for ELLs, consult the manual titled *LPAC Decision–Making Process for the Texas Assessment Program*.

The commissioner’s rules also describe the test administration schedule, the role of the GPC, and the responsibilities for notification of parents and guardians. It is the intent of the rules that parents and guardians be fully informed throughout the process. The commissioner’s rules describe the requirements for accelerated instruction, the provision for a parental waiver of the third administration of the assessment due to potential harm to the student, the parental appeal process, the responsibilities for scoring and reporting, and credit for high school graduation.

This manual is designed to provide campus personnel with the resources to implement the law and the rules. Parents and guardians serving on GPCs may also wish to consult this manual.

## Grade Advancement Requirements for Mathematics and Reading at Grades 5 and 8

SSI grade advancement requirements apply only to the mathematics and reading tests at grades 5 and 8. The flowchart on page 11 illustrates the process for determining whether a student has met the SSI requirements in mathematics at grades 5 and 8 and reading at grades 5 and 8.

In 2011 the first administration of mathematics tests at grades 5 and 8 will be on Monday, April 4; and the first administration of reading tests at grades 5 and 8 will be on Tuesday, April 5. Districts may choose to combine notification letters and GPC meetings for those students who do not meet the passing standard on either test.

The timeline on pages 12–14 will help districts track SSI testing, reporting, and notification dates for the 2010–2011 school year.



# SSI Activities Guide

This section outlines step-by-step the responsibilities for school personnel in the implementation of the SSI. It includes the following subsections:

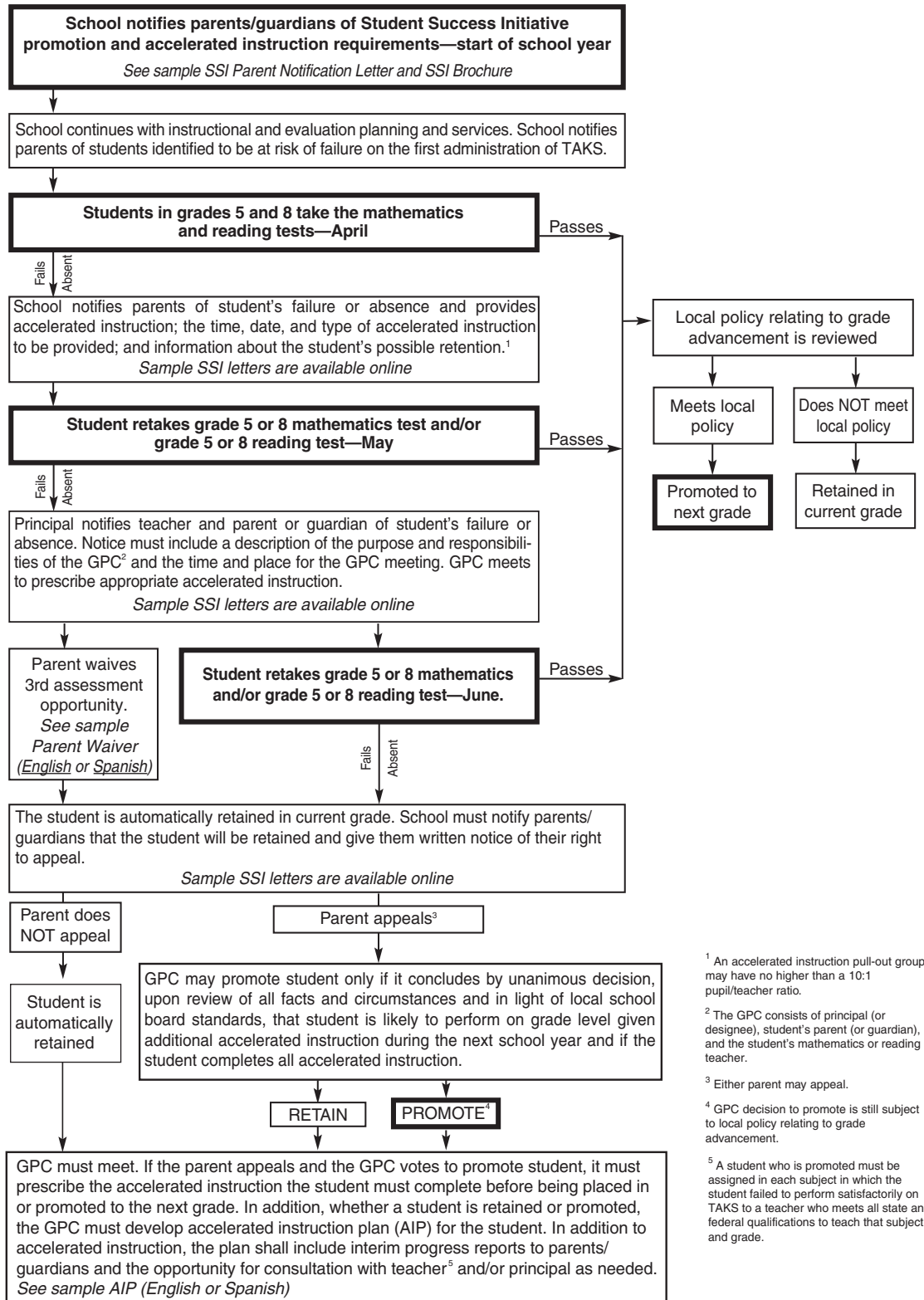
- Interactive Flowchart
- Activities Timeline (includes a list of corresponding forms)
- Prior to the First SSI Administration
- First Administration of TAKS
- Second Administration of TAKS
- Third Administration of TAKS

The sample forms and letters referenced in the Activities Guide are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>.



## Flowchart for Students Taking TAKS

### Grade Advancement Requirements for General Education Students Enrolled in SSI Grades and Subjects



<sup>1</sup> An accelerated instruction pull-out group may have no higher than a 10:1 pupil/teacher ratio.

<sup>2</sup> The GPC consists of principal (or designee), student's parent (or guardian), and the student's mathematics or reading teacher.

<sup>3</sup> Either parent may appeal.

<sup>4</sup> GPC decision to promote is still subject to local policy relating to grade advancement.

<sup>5</sup> A student who is promoted must be assigned in each subject in which the student failed to perform satisfactorily on TAKS to a teacher who meets all state and federal qualifications to teach that subject and grade.

**NOTE:** For information regarding TAKS, TAKS (Accommodated), and TAKS–M for SSI grades and subjects for students receiving special education services, see the flowcharts on pages 33–34.

# SSI Activities Timeline

## Grade Advancement Requirements of the Student Success Initiative 2010–2011 School Year

	Date	Action	Sample Forms for Required Notification*	Sample Forms for Optional Notification and Documentation*
<b>Before Testing</b>	Fall 2010	Notify parents of SSI policy, document notification.	5M.1, 8M.1, 5R.1, 8R.1 SSI	Handbook Notification
	October 2010	Inform parent of child's progress in mathematics and reading (grades 5 and 8)—beginning of school year.		<ul style="list-style-type: none"> <li>■ Parent Notification of Child's Progress—5M.4, 8M.4; 5R.4, 8R.4</li> <li>■ Progress Reports—5M.5, 8M.5; 5R.5, 8R.5</li> </ul>
	October 2010	Document campus planning for accelerated mathematics and reading instruction.		
	October 2010	Provide first-quarter principal monitoring information.		
	January 2011	Inform parent of child's progress in mathematics and reading (grades 5 and 8)—middle of school year.		<ul style="list-style-type: none"> <li>■ Parent Notification of Child's Progress—5M.6, 8M.6; 5R.6, 8R.6</li> <li>■ Progress Reports—5M.7, 8M.7; 5R.7, 8R.7</li> </ul>
<b>Mathematics First Administration</b>	April 4, 2011	Administer first TAKS grades 5 and 8 mathematics tests.		
	April 22, 2011	<ul style="list-style-type: none"> <li>■ Receive student results for TAKS grades 5 and 8 mathematics tests.†</li> <li>■ Begin accelerated instruction.</li> </ul>		
	April 29, 2011	Notify parent of results for TAKS grade 5 or 8 mathematics test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5M.7, 8M.7
	April 29, 2011	<ul style="list-style-type: none"> <li>■ Notify parent of results for TAKS grade 5 or 8 mathematics test and of plans for accelerated instruction (for students who did not meet the passing standard).</li> </ul>	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5M.8, 8M.8</li> <li>■ Confidential Student Report</li> </ul>	Mathematics Progress Reports—5M.5, 8M.5
<b>Reading First Administration</b>	April 5, 2011	Administer first TAKS grades 5 and 8 reading tests.		
	April 22, 2011	<ul style="list-style-type: none"> <li>■ Receive student results for TAKS grades 5 and 8 reading tests.†</li> <li>■ Begin accelerated instruction.</li> </ul>		
	April 29, 2011	Notify parent of results for TAKS grade 5 or 8 reading test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5R.8, 8R.8
	April 29, 2011	<ul style="list-style-type: none"> <li>■ Notify parent of results for TAKS grade 5 or 8 reading test and of plans for accelerated instruction (for students who did not meet the passing standard).</li> </ul>	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5R.9, 8R.9</li> <li>■ Confidential Student Report</li> </ul>	<ul style="list-style-type: none"> <li>■ Reading Progress Reports—5R.10, 8R.10</li> </ul>

\*Forms or letters specific to grades or subject areas are identified as follows: 5M = grade 5 mathematics; 5R = grade 5 reading; 8M = grade 8 mathematics; 8R = grade 8 reading.

†Schools will receive results within ten working days of receipt of the test materials by the testing contractor.

	Date	Action	Sample Forms for Required Notification*	Sample Forms for Optional Notification and Documentation*
Mathematics Second Administration	May 17, 2011	Administer second TAKS grades 5 and 8 mathematics tests.		
	June 7, 2011	Receive student results for TAKS grades 5 and 8 mathematics tests.†		
	June 14, 2011	Notify parent of results for TAKS grade 5 or 8 mathematics test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5M.7, 8M.7
	June 14, 2011	Notify parent of results for TAKS grade 5 or 8 mathematics test and plans for accelerated instruction (for students who did not meet the passing standard).	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5M.9, 8M.9</li> <li>■ Confidential Student Report</li> </ul>	
	June 21, 2011 (Suggested Date)	Convene and document GPC meetings for students who did not meet the passing standard in grades 5 and 8 mathematics (includes accelerated instruction requirements).	Confirmation of Participation in Grade Placement Committee—5M.10, 8M.10	
	June 24, 2011 (Suggested Date)	Notify parent of GPC decisions.	Parent Notification of Grade Placement Committee Decisions—5M.12, 8M.12	
Reading Second Administration	May 18, 2011	Administer second TAKS grades 5 and 8 reading tests.		
	June 7, 2011	Receive student results for TAKS grades 5 and 8 reading tests.†		
	June 14, 2011	Notify parent of results for TAKS grade 5 or 8 reading test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5R.11, 8R.11
	June 14, 2011	Notify parent of results for TAKS grade 5 or 8 reading test and plans for accelerated instruction (for students who did not meet the passing standard).	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5R.12, 8R.12</li> <li>■ Confidential Student Report</li> </ul>	
	June 21, 2011 (Suggested Date)	Convene and document GPC meetings for students who did not meet the passing standard in grades 5 and 8 reading (includes accelerated instruction requirements).	Confirmation of Participation in Grade Placement Committee—5R.13 8R.13	
	June 24, 2011 (Suggested Date)	Notify parent of GPC decisions.	<ul style="list-style-type: none"> <li>■ GPC Meeting Minutes 5R.14, 8R.14</li> <li>■ Parent Notification of Grade Placement Committee Decisions—5R.15, 8R.15</li> </ul>	

\*Forms or letters specific to grades or subject areas are identified as follows: 5M = grade 5 mathematics; 5R = grade 5 reading; 8M = grade 8 mathematics; 8R = grade 8 reading.

†Schools will receive results within ten working days of receipt of the test materials by the testing contractor.

	Date	Action	Sample Forms for Required Notification	Sample Forms for Optional Notification and Documentation
Mathematics Third Administration	June 28, 2011	Administer third TAKS grades 5 and 8 mathematics tests.		
	July 15, 2011	Receive student results for TAKS grades 5 and 8 mathematics tests.†		
	July 22, 2011	Notify parent of results for TAKS grade 5 or 8 mathematics test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5M.19, 8M.19
	July 22, 2011	Notify parent of results for TAKS grade 5 or 8 mathematics test and plans for accelerated instruction (for students who did not meet the passing standard).	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5M.16, 8M.16</li> <li>■ Confidential Student Report</li> </ul>	
	July 29, 2011 (Suggested Date)	Convene and document GPC meetings for students who did not meet the passing standard in grades 5 and 8 mathematics. GPC must determine accelerated instruction student must complete before being placed in or promoted to the next grade as well as accelerated instruction plan for next school year.	<ul style="list-style-type: none"> <li>■ Confirmation of Participation in Grade Placement Committee—5M.17, 8M.17</li> <li>■ GPC Meeting Minutes—5M.18, 8M.18</li> </ul>	
	August 1, 2011 (Suggested Date)	Notify parents of GPC decisions.	Parent Notification of Grade Placement Committee Decisions—5M.19, 8M.19	
Reading Third Administration	June 29, 2011	Administer third TAKS grades 5 and 8 reading tests.		
	July 15, 2011	Receive student results for TAKS grades 5 and 8 reading tests.†		
	July 22, 2011	Notify parent of results for TAKS grade 5 or 8 reading test (for students who met the passing standard).	Confidential Student Report	Parent Notification of Student Performance—5R.19, 8R.19
	July 22, 2011	Notify parent of results for TAKS grade 5 or 8 reading test and plans for accelerated instruction (for students who did not meet the passing standard).	<ul style="list-style-type: none"> <li>■ Parent Notification of Student Performance—5R.20, 8R.20</li> <li>■ Confidential Student Report</li> </ul>	
	July 29, 2011 (Suggested Date)	Convene and document GPC meetings for students who did not meet the passing standard in grades 5 and 8 reading. GPC must determine accelerated instruction student must complete before being placed in or promoted to the next grade as well as accelerated instruction plan for next school year.	<ul style="list-style-type: none"> <li>■ Confirmation of Participation in Grade Placement Committee—5R.21, 8R.21</li> <li>■ GPC Meeting Minutes—5R.22, 8R.22</li> </ul>	
	August 1, 2011 (Suggested Date)	Notify parents of GPC decisions.	Parent Notification of Grade Placement Committee Decisions—5R.23, 8R.23	
End of School Year	Late Spring 2011	For grade 4 students: notify parent of child's progress in mathematics and reading at end of grade 4.	Parent Notification of Grade 4 Child's Progress in Mathematics and Reading—5M.2, 5R.2	
	Late Spring 2011	For grade 7 students: notify parent of child's progress in mathematics and reading at end of grade 7.	Parent Notification of Grade 7 Child's Progress in Mathematics and Reading—8M.2, 8R.2	

\*Forms or letters specific to grades or subject areas are identified as follows: 5M = grade 5 mathematics; 5R = grade 5 reading; 8M = grade 8 mathematics; 8R = grade 8 reading.

†Schools will receive results within ten working days of receipt of the test materials by the testing contractor.

**NOTE:** All sample forms and notification letters are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi> in a format that facilitates downloading and editing for local use. All forms are provided as samples only. When modifying any of the sample forms for local purposes, schools should be careful to include all of the components required by the grade advancement law and commissioner's rules.

# PRIOR TO THE FIRST SSI ASSESSMENT

## Notification Prior to TAKS

School notifies parents of SSI general requirements—start of school year.

Within the first weeks of school, parents and guardians should be notified of the SSI requirements. Sample parent notification letters are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. Two brochures, *Prepare for Success—A Parent Guide to the Student Success Initiative at Grade 5*, and *Prepare for Success—A Parent Guide to the Student Success Initiative at Grade 8*, are shipped to school districts and are also available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. Both the letters and brochures are available in English and Spanish to help districts meet the requirement of a good-faith effort to provide parent notifications in the parent’s native language. These or similar brochures and letters should be sent home with all grade 5 and grade 8 students to ensure that parents are fully informed of the law. In addition, 19 TAC §101.13 requires the following:

- (b) The superintendent of each school district and chief administrative officer of each charter school shall be responsible for the following in order to provide timely and full notification of testing requirements for advancement at certain grades:
  - (1) notifying each student and his or her 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 public school, of the testing requirements and accelerated instruction requirements for grade advancement as specified in the Texas Education Code (TEC), §28.0211;
  - (2) notifying each student in Grades 1–8 who is new to the school district or charter school and his or her 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.

School districts may also choose to include the SSI requirements in the school district handbook. (See Form A, sample handbook notification.)

In addition to the parental notification required at the beginning of the school year, parental notification is required at several points during the SSI process. According to 19 TAC, §101.2009 of the commissioner's rules, school districts must provide early notice to parents or guardians of students identified to be at risk of failure on the first administration of an assessment in an SSI grade and subject. The district must provide this notice before the end of the school year preceding the grade advancement requirements, and the superintendent must establish the instruments/procedures used to identify students who are at risk of failure on an SSI assessment.

Schools should maintain a copy of this notification in the student's permanent record file. Schools may also wish to provide notification of progress at the beginning and middle of grades 5 and 8, based on any additional evaluation.

To the greatest extent possible, all notifications should be provided in the primary language spoken in the student's home.

## Accelerated Instruction Prior to TAKS

All students at risk of failing an SSI assessment **must** be provided additional accelerated instruction.

Districts should use results from diagnostic tools and previous TAKS tests as the primary criteria for identifying students who are struggling in mathematics and/or reading. Additional considerations may include performance on classroom assessments, teacher observation, progress reports, and report cards.

## Tips for Best Practice

Although not required by law, the following practices have proven effective in helping students achieve success. It is recommended that schools

- identify target students and determine instructional priorities;
- provide at least 30 minutes a day of additional systematic and explicit instruction;
- provide small-group instruction, i.e., one adult per three to four students;
- provide a minimum of 60 sessions (12 weeks) of intervention help for students; and
- use highly trained professionals to deliver instruction and provide intervention.

# FIRST ADMINISTRATION OF TAKS

Grade 5 students take the first administration of the TAKS mathematics and reading tests.

Grade 8 students take the first administration of the TAKS mathematics and reading tests.

All eligible students should take the first administration of the TAKS mathematics test at grades 5 or 8 and the TAKS reading test at grades 5 or 8. The dates for these assessments can be found on the testing calendar and on the SSI Activities Timeline. SSI grade advancement requirements apply to all students enrolled in grades 5 and 8 who are enrolled in a local school district or charter school on any day between January 1 and the date of the first administration of the grade advancement assessments. This includes nonexempt ELLs who take TAKS in English or Spanish. For specific information about how the SSI grade advancement requirements apply to ELLs, mobile and migrant students, and students who are receiving special education services, refer to the “Requirements for Special Populations” section of this manual.

The law requires that a student be given three opportunities for testing. Make-up tests for students who are absent are allowed during the week of the first and second SSI test administrations. No make-up testing is allowed for the third test administration. A student who is absent both on the initial testing day and during make-up testing will be required to take the test during the next scheduled test administration. The district must provide appropriate accelerated instruction as warranted for students who are absent or otherwise do not have valid test results. If a student has missed a testing opportunity, the district may administer a local test or an individual inventory or other diagnostic assessment to determine accelerated instruction needs prior to the next state-designated testing date.

## Results

By rule, schools will receive results from the first administration of TAKS within ten working days of receipt of the test materials by the testing contractor. Refer to the *2011 District and Campus Coordinator Manual* for specific dates for returning test materials. Both the calendar of events in the coordinator manual and the SSI Activities Timeline in this manual include dates for receiving results. Schools must return test materials on schedule to receive results on the date specified. When results are received, students will be in one of two groups:

- Met Standard (Students made the required score to meet the passing standard.)
- Did Not Meet Standard (Students did not make the required score to meet the passing standard, were absent on the date of administration, or otherwise did not submit an assessment that could be scored.)

Students who **met the standard** have met the state-identified assessment criterion for promotion to the next grade level; however, local districts may have additional requirements for promotion. Students must meet all local requirements for promotion in addition to meeting the passing standard on TAKS. Students who pass a grade advancement test but are retained due to local policy will be subject to all of the SSI grade advancement requirements during the repeated school year.

Students who **did not meet the passing standard** have not met the state-identified assessment criterion for promotion to the next grade level.

## Notification

School notifies parents of student's failure and provisions for accelerated instruction; the time, date, and type of accelerated instruction to be provided; and information about the child's possible retention.

Districts must notify parents and guardians within five working days of receipt of the results that their child did not meet the passing standard on the TAKS test and that not meeting the passing standard on the assessment after three testing opportunities will result in automatic grade-level retention. This notice should explain fully the grade advancement policy and the review process by the GPC. To the extent possible, all notifications should be in the language spoken most often in the home. Sample letters in English and Spanish are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. Districts/schools may wish to attach a cover letter with this sample notification or design a letter that is written in a style more consistent with their own correspondence with parents and guardians. For documentation purposes, a copy of this notification should be maintained in the student's permanent record file.

## Required Accelerated Instruction

In the notice to parents and guardians, school personnel must outline the intervention plan for accelerated instruction. Accelerated instruction should be consistent with previous diagnostic testing and intervention activities the student has received. For students receiving special education services, the school and parents must determine accelerated instruction. This decision should be documented either through an agreement to amend the student's individualized education program (IEP) or through an admission, review, and dismissal (ARD) committee meeting. As specified in TEC, §28.0211 (c), group-administered accelerated instruction may not have a ratio of more than 10 students to each teacher. This instruction may be conducted within the school day or after school; however, each school district and each charter school shall be responsible for providing transportation to eligible students required to attend acceleration programs if these programs occur outside of regular school hours.

As outlined in the rules, accelerated instruction shall be based on but not limited to the following:

- assessment of specific student needs
- research-based instructional practices
- use of a variety of instructional models

School personnel should monitor each student's progress during accelerated instruction. Districts may want to use the study guides that are available on the TEA Student Assessment Division website at <http://www.tea.state.tx.us/student.assessment>. In addition, TEA also provides online interactive study guides. The content of these interactive guides is enhanced with dynamic images, engaging interactive activities, and practice questions with instant feedback. Both types of TAKS study guides are available online at no cost to districts or students.

## . . . Checklist for the First Administration of TAKS

- Administer TAKS to eligible students.
- Receive results within ten working days of receipt of test materials by the testing contractor.
- Notify parents/guardians of results within five working days of receiving test results from testing contractor.
- Document notification in students' permanent record files.
- Develop and implement intervention plans for accelerated instruction for students who did not meet the passing standard.
- Ensure that instructional-group size requirements are met.
- Monitor and document student progress.

# SECOND ADMINISTRATION OF TAKS

Student retakes the TAKS grade 5 mathematics and/or reading test.  
Student retakes the TAKS grade 8 mathematics and/or reading test.

Students who did not meet the passing standard on the first administration of the TAKS mathematics test at grades 5 or 8 and/or the reading test at grades 5 or 8 should take the second administration of the applicable assessment on the scheduled administration date. Schools should prepare for the test administration by determining room location(s) and assigning test administrators, among other tasks.

Make-up testing for students who are absent is allowed during the week of the second TAKS SSI test administration. A student who is absent both for the second administration and during make-up testing will be required to test during the third administration unless a parental waiver is approved. A student who is absent for both the first and second test administrations must be provided appropriate accelerated instruction, as determined by the student's GPC. Since no test results will be available, the district may administer a local test or other diagnostic assessment to determine accelerated instruction needs prior to the next state-designated testing date.

## Results

By rule, schools will receive results from the second administration of TAKS within ten working days of receipt of the test materials by the testing contractor. When the results are received, students will be in one of two groups:

- Met Standard (Students made the required score to meet the passing standard.)
- Did Not Meet Standard (Students did not make the required score to meet the passing standard, were absent on the date of administration, or did not return an assessment that could be scored.)

As with the first administration, students who **met the standard** have met the state-identified assessment criterion for promotion to the next grade level; however, local districts may have additional requirements for promotion. Students must meet all local requirements for promotion in addition to meeting the passing standard on TAKS. Students who pass a grade advancement test but are retained due to local policy will be subject to all of the SSI grade advancement requirements during the repeated school year.

Students who **did not meet the passing standard** have not met the state-identified assessment criterion for promotion to the next grade level. At this point the school **must** notify parents/guardians and convene a GPC.

# Notification

Principal notifies teacher and parents of student's failure. Notice must include a description of the purpose and responsibilities of the GPC and the time and place for the GPC meeting. GPC meets to prescribe appropriate accelerated instruction.

The district must notify the campus principal within five working days of receipt of the test results. Upon receiving the results, the principal must notify parents that their child did not meet the passing standard on the second administration of the TAKS test. As with the first notification, this notice to parents should state that the student is automatically retained if he/she does not meet the passing standard after three testing opportunities. This notification should also include a description of the purpose and responsibilities of the GPC and the time and place for the GPC to hold its first meeting.

In addition, the school should inform parents that the student may not be promoted to or placed in the next grade level unless he or she has participated in all required accelerated instruction. This notification should include that this instruction may require participation of the student before or after normal school hours or during the summer. If more than one parent or guardian has the authority to make educational decisions regarding the student, a good-faith effort must be made to notify both parents, but participation of one parent or guardian is sufficient. To the extent possible, notifications should be sent in the language spoken most often in the home. Sample letters in English and Spanish are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. For documentation purposes, schools should maintain a copy of this notification in the student's permanent record file.

## Grade Placement Committee

### Role and Membership

In accordance with the TEC, §28.0211(c), the superintendent of each school district and chief administrative officer of each charter school shall establish procedures for convening a GPC for each student who fails to demonstrate proficiency on the second administration of a test required for grade advancement. Decisions by the GPC shall be made on an individual student basis to ensure the most effective way to support the student's academic achievement on grade level.

The GPC shall be composed of the following members:

- the principal or principal's designee
- the student's parent or guardian
- the student's teacher(s) of the subject of the grade advancement test(s) on which the student has failed to demonstrate proficiency

If a parent, guardian, or designee is unable to attend a meeting, the district may use other methods to ensure parent participation, including individual and conference telephone calls. The district may designate an individual to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for purposes of TEC, §28.0211.

If the teacher is unavailable, the principal shall designate a certified professional educator who is most familiar with the student in the subject area to serve on the GPC.

The district may accept a parent's or guardian's written designation of another individual to serve on the GPC for all purposes. Parents may also have other individuals present to assist them in the decision-making process. Local policy for involvement of other members should be reviewed. The district may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

For students receiving special education services, the ARD committee serves as the GPC. The ARD committee is responsible for determining grade placement and accelerated instruction. All accelerated instruction must be documented in the student's IEP.

For an eligible ELL who has not met SSI requirements, the LPAC should make recommendations to the GPC. These recommendations should be recorded in the minutes of the GPC meeting. If an ELL is also receiving special education services, the LPAC should make recommendations to the ARD committee, which serves as the GPC.

## The GPC Meeting

The proposed date, time, and location of the GPC meeting should be included in the notification to parents. There should be an opportunity for the parent/guardian to participate in determining a convenient time for this meeting. Minutes of the GPC meeting should be taken and maintained in the student's permanent record file with a copy given to the parents. At this meeting the committee will establish that all required members are present, review accelerated instruction and assessment data, and make assessment decisions based on local policy. The GPC will complete the following:

- Review any waiver requests from the parent or guardian (see Parental Waiver below).
- Prescribe accelerated instruction for the student as required by TEC, §28.0211.
- Mark the student's report card with a designation, such as "promotion pending," since the student has not fulfilled all requirements for promotion.

## Parental Waiver

19 TAC, §101.2015 requires districts to establish a waiver process by which a parent or guardian may request that a student not participate in the third testing opportunity due to potential harm to the student. The provision of this waiver is intended to provide flexibility for a parent or guardian in making appropriate decisions in the best interest of the child. In making this decision, parents may consult with the other GPC members as they review the student's options. A district may not initiate a waiver process.

If the waiver is granted, the student is automatically retained. The GPC would still be required to determine the appropriate accelerated instruction for the summer, and the student would still be required to complete this accelerated instruction before he or she could be promoted to or placed in the next grade.

Once the student completes all mandated accelerated instruction, the GPC would reconvene to discuss any parental appeal of the automatic retention and to determine the accelerated instruction plan for the following school year (whether the student has been retained or promoted).

## . . . Checklist for the Second Administration of TAKS

- Administer TAKS to eligible students—those who did not meet the passing standard or did not receive a score on the first test administration.
- Receive results within ten working days of receipt of test materials by the testing contractor.
- District notifies principal within five working days of receipt of student test results. Upon receipt, the principal must notify the teacher and parents.
- Notify parents of GPC meeting.
- Document notification in permanent record file.
- Consult with the LPAC for students with limited English proficiency who did not meet the passing standard.
- Convene GPC with required members. (NOTE: An ARD committee will serve as the GPC for students receiving special education services.)
  - Review membership.
  - Review accelerated instruction and assessment data.
  - Review waiver request, if applicable.
- Prescribe and implement accelerated instruction for students who did not meet the passing standard.
- Ensure that group size requirements are met.
- Document and monitor student progress.
- Document that the student has completed all required accelerated instruction.

# THIRD ADMINISTRATION OF TAKS

Student retakes the TAKS grade 5 mathematics and/or reading test.  
Student retakes the TAKS grade 8 mathematics and/or reading test.

Students who did not meet the passing standard on the first or second administrations of the TAKS grades 5 or 8 mathematics, or grades 5 or 8 reading tests should take the third administration of the TAKS test(s) on the scheduled administration date. A substitute assessment for the reading and mathematics tests at grades 5 and 8 is now available. Schools should prepare for the test administration by determining room location(s) and assigning test administrators, among other tasks. A parent or guardian may request that the student not participate in the third testing opportunity due to potential harm to the student.

## Results

By rule, schools will receive results from the third administration of TAKS within ten working days of receipt of the test materials by the testing contractor. Schools that return test materials on schedule will receive results by the date specified in the testing calendar. At this point, students will be in one of two groups:

- Met Standard (Students made the required score to meet the passing standard.)
- Did Not Meet Standard (Students did not make the required score to meet the passing standard, were absent on the date of administration, or turned in an assessment that could not be scored.)

As with the first two administrations, students who **met the standard** have met the state-identified assessment criterion for promotion to the next grade level; however, local districts may have additional requirements for promotion. Students must meet all local requirements for promotion in addition to meeting the passing standard on the TAKS test. Students who pass a grade advancement test but are retained due to local policy will be subject to all of the SSI grade advancement requirements during the repeated school year.

Students who **did not meet the passing standard** on any of the three testing opportunities of a TAKS SSI assessment and who meet the testing eligibility requirements as specified by 19 TAC §101.2003(b) have not met the state-identified assessment criterion for promotion to the next grade level. At this point the student is **retained in the current grade (grade 5 or 8)** unless the parent, guardian, or designee appeals that decision. School personnel may not appeal this decision unless the parent or guardian has designated the remaining members of the GPC as the decision-making entity for all purposes. (See Commissioner's Rules, 19 TAC §101.2007[b].)

# Notification

Student is retained. Principal must notify parents that the child will be retained and give the parents written notice of their right to appeal.

The district must notify the campus principal within five working days of receipt of the test results. Upon receiving the results, the principal must notify parents that their child did not meet the passing standard on the third testing opportunity. The notice to parents must state that because the student has not met the passing standard on the assessment, the student is automatically retained in the current grade and the parent must appeal in order for the GPC to review the retention. **The parent must be given the opportunity to appeal the automatic retention.** Sample forms and letters are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification.

The notice to parents shall include a description of the purpose and responsibilities of the GPC and the time and place for the required GPC meeting. In addition, the school should inform parents that the student may not be promoted to or placed in the next grade level unless he or she has participated in all required accelerated instruction. This notification should include that this instruction may require participation of the student before or after normal school hours or at times outside of the normal school year (e.g., before the school year begins). If more than one parent or guardian has the authority to make educational decisions regarding the student, a good-faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. To the extent possible, all notifications should be in the language spoken most often in the home. Sample letters in English and Spanish are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. A copy of this notification should be maintained in the student's permanent record file.

## Grade Placement Committee

### The GPC Meeting

The proposed date, time, and location of the GPC meeting should be contained in the notification to parents. There should be an opportunity for the parent to participate in determining a convenient time for this meeting. Minutes of the GPC meeting should be taken and maintained in the student's permanent record file with a copy given to the parents.

If an appeal has been initiated by the parent or guardian, the GPC must complete the following:

- establishing that all required members are present;
- confirming that the student has participated in all accelerated instruction required before the third administration of the test;
- reviewing all facts and circumstances to determine whether the student should be retained or promoted. In making promotion decisions, the GPC is required to consider the recommendation of the student's teacher, the student's grades, the student's TAKS scores, and any other relevant academic information;

- prescribing the accelerated instruction the student must complete before being placed in or promoted to the next grade; and
- documenting the decision in accordance with district policy.

Students receiving special education services or who are English language learners will be reviewed in the same manner as with the first GPC meeting.

According to TEC, §28.0211(e), a student may be promoted only if the GPC decision is unanimous and if the student has completed all required accelerated instruction. However, in cases where both parents participate in the GPC decision-making process, if both school representatives agree to promote and if **either** parent or guardian agrees to promote, the child is promoted. The review and final decision of the GPC must be appropriately documented as meeting the standards adopted by the school board. The decision of the GPC is final and may not be appealed.

For every student who does not meet the passing standard after the three testing opportunities, the GPC must develop an AIP, which the district must provide to the student during the next school year. The plan must be designed to enable the student to perform on the appropriate grade level by the end of the next school year. The AIP must provide for interim progress reports to the student's parent or guardian and the opportunity for parent consultation with the teacher and/or principal as needed. (See sample AIP Progress Reports.)

## . . . Checklist for the Third Administration of TAKS

- Administer TAKS to eligible students—those who did not meet the passing standard or did not receive scores on the first and second test administrations.
- Receive results within ten working days of receipt of test materials by the testing contractor.
- District notifies principal within five working days of receipt of student test results. Upon receipt, the principal must notify the teacher and parents.
- Notify parents of automatic retention, of the GPC meeting, and of the opportunity for parent appeal for a student who did not meet the passing standard on any of the three opportunities.
- Consult with the LPAC for each student with limited English proficiency who did not meet the passing standard.
- Provide an opportunity for parent appeal.
- Document notification in permanent record file.
- Convene GPC with required members. (Note: The ARD committee will serve as the GPC for each student receiving special education services.)
  - Review membership.
  - Review accelerated instruction and assessment data.
  - Review appeal and vote on appeal of grade-level placement (if applicable).
- If the committee votes to promote, prescribe the accelerated instruction the student must complete before being placed in or promoted to the next grade.
- Required accelerated instruction must occur after each administration of the test, including the third administration. To assist districts and charter schools in meeting the accelerated instruction provision after the third administration of the test, the Texas Education Agency allows districts and charter schools to apply for an expedited waiver to adjust the timeline for providing accelerated instruction to students who fail the third administration. The waiver is granted if districts and charter schools meet certain conditions, which are specified below:
  - Identifying the intensive instruction a student needs
  - targeting this intensive instruction to the TAKS objectives on which the student demonstrated weakness
  - ensuring that this intensive instruction is completed during the first six weeks of school
  - documenting that the student has completed this intensive instruction
- In addition to intensive accelerated instruction, the GPC is responsible for developing an accelerated instruction plan that will provide the student with ongoing instructional support during the next school year.
- Document that the student has completed the prescribed accelerated instruction prior to promotion/placement in the next grade.
- Develop and implement an AIP for the following school year for each student who did not meet the passing standard, whether the student is retained or promoted.



# SSI Topics

This section provides specific program information organized by subject matter. It includes the following subsections:

- Requirements for Special Populations
- Mobile and Migrant Students
- Accelerated Instruction
- The Grade Placement Committee (GPC)
- Parent Notification
- Summer Accelerated Instruction and Testing
- Substitute Assessment Option for TAKS



# REQUIREMENTS FOR SPECIAL POPULATIONS

## Students Receiving Special Education Services

Students receiving special education services who take TAKS, TAKS (Accommodated), or TAKS–Modified (TAKS–M) are subject to SSI requirements. The ARD committee will determine which assessment is appropriate for the individual student in each SSI content area and grade level and will make all decisions involving accelerated instruction and promotion. The flowcharts on pages 33–34 outline how the SSI grade advancement requirements affect students receiving special education services who take TAKS, TAKS (Accommodated), or TAKS–M. In the case where a student’s IEP states that the student is to take one of these assessments and the student does not meet the passing standard on the test, the ARD committee will serve as the GPC.

The role of the ARD committee in making decisions about students subject to SSI requirements is defined in 19 TAC, §101.2003. A student receiving special education services enrolled in grade 5 or grade 8 who is receiving instruction in the essential knowledge and skills in mathematics and reading is subject to SSI requirements. In accordance with 19 TAC, §101.5(b) (relating to Student Testing Requirements) and TEC, §28.0211 (i), the student’s ARD committee shall determine appropriate assessment and accelerated instruction for each eligible student. Assessment decisions must be made on an individual basis and in accordance with administrative procedure established by TEA. These decisions must be documented in the student’s IEP.

Districts are encouraged to carefully weigh the individual needs of students with disabilities as they consider decisions pertaining to the procedures outlined in this manual. For the students described above, an ARD committee must make decisions regarding **appropriate** (1) assessment, (2) accelerated instruction, and (3) grade placement based on a student’s specific disability-related needs.

## **SSI Requirements for Students Receiving Special Education Services Who Take TAKS, TAKS (Accommodated), or TAKS–M**

Based on the ARD committee decision, most grade 5 or 8 students will take TAKS, TAKS (Accommodated), or TAKS–M. The flowcharts on pages 33–34 outline how the SSI grade advancement requirements affect students receiving special education services who take the TAKS, TAKS (Accommodated), or TAKS–M grade 5 or 8 mathematics and reading tests. The information below provides a general description of the processes that are outlined in the flowcharts. For more specific information, refer to the “Questions and Answers” section on pages 35–37.

Due to the design of the TAKS–Alternate (TAKS–Alt) assessment (in that teachers make observations throughout the academic year and are expected to provide any necessary remediation during the course of the academic year), students participating in TAKS–Alt are not subject to SSI requirements.

### **Students taking TAKS or TAKS (Accommodated)**

If a student does not meet the passing standard on the first test administration, the school must document the accelerated instruction needed either through an agreement to amend the student’s IEP or through an ARD committee meeting, and the student participates in the second test administration. If the student does not meet the passing standard for a second time, then the school must document additional accelerated instruction either through an agreement to amend the student’s IEP or through an ARD committee meeting. The ARD committee, of which the parent/guardian is a member, may determine at that time that the student will not participate in the third test administration and decide whether the student will be promoted or retained. If the student participates in the third test administration and does not meet the passing standard, then the ARD committee, of which the parent/guardian is a member, will determine whether the student will be promoted or retained. This decision does not have to be unanimous but must follow the general rules governing ARD committee decision-making as set forth in 19 TAC, Chapter 89, Subchapter AA. If the ARD committee decides to promote the student, it must ensure that the student completes all required accelerated instruction prior to being placed in or promoted to the next grade.

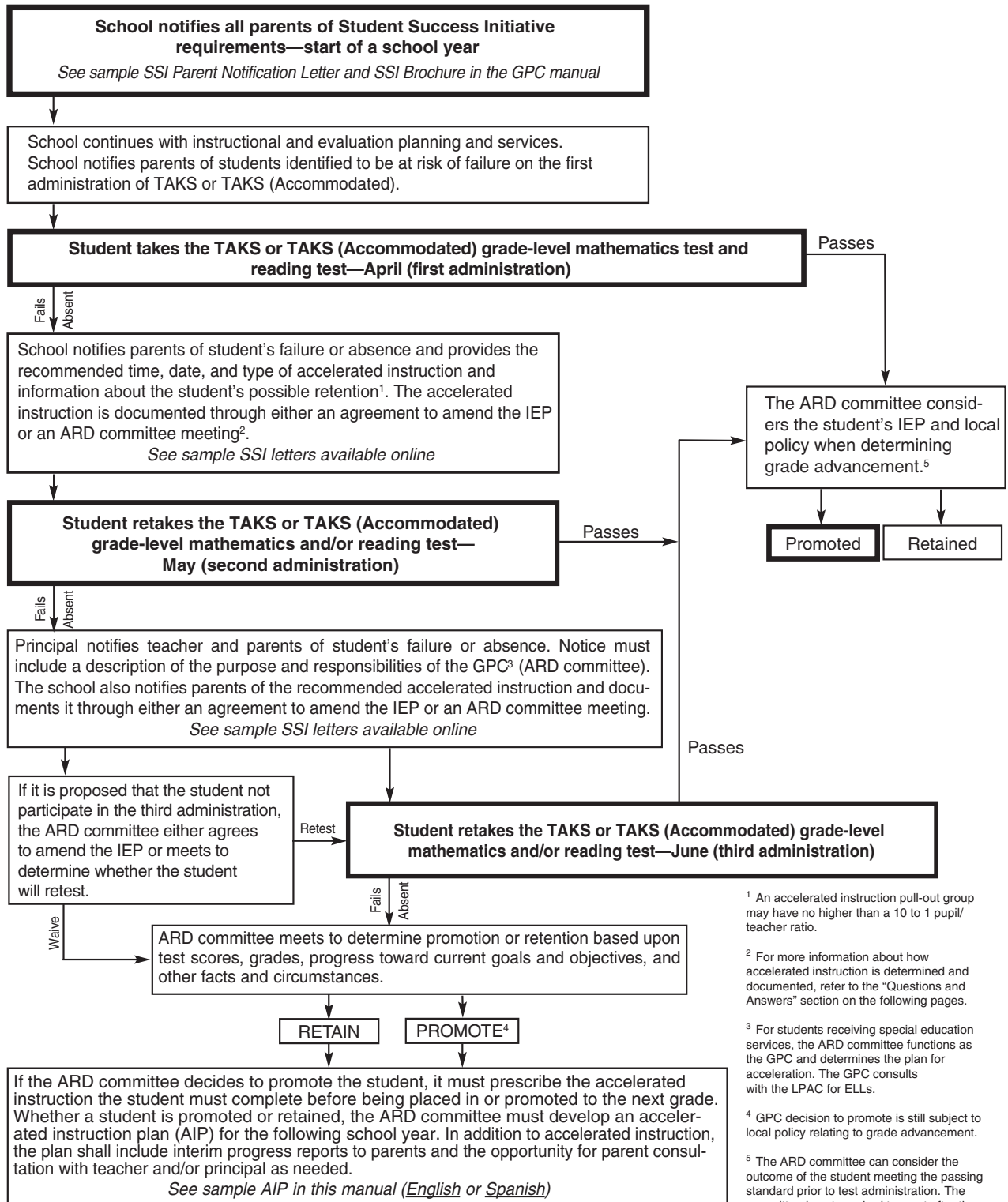
### **Students taking TAKS–M**

If a student does not meet the passing standard on the first test administration, the school must document the accelerated instruction needed either through an agreement to amend the student’s IEP or through an ARD committee meeting. The ARD committee, of which the parent/guardian is a member, may also determine at that time that further testing is not appropriate based on the student’s individual needs and whether the student will be promoted or retained. In that case, the ARD committee must document justification for these decisions in the student’s IEP. However, if the student does not participate in the second test administration, the school must continue to provide accelerated instruction for the remainder of the school year.

If the student participates in the second test administration and does not meet the passing standard, then the school documents additional accelerated instruction either through an agreement to amend the student’s IEP or through an ARD committee meeting. The ARD committee, of which the parent/guardian is a member, may determine at that time that the student will not participate in the third test administration and whether the student will be promoted or retained. If the student participates in the third test administration and does not meet the passing standard, then the ARD committee, of which the parent/guardian is a member, will determine whether the student will be promoted or retained. This decision does not have to be unanimous but must follow the general rules governing ARD committee decision-making as set forth in 19 TAC, Chapter 89, Subchapter AA.

**NOTE:** For further information about situations that do not require the attendance of all members of an ARD committee, please refer to page 35 of this manual.

# SSI Grade Advancement Requirements for Students Receiving Special Education Services Taking TAKS or TAKS (Accommodated)



<sup>1</sup> An accelerated instruction pull-out group may have no higher than a 10 to 1 pupil/teacher ratio.

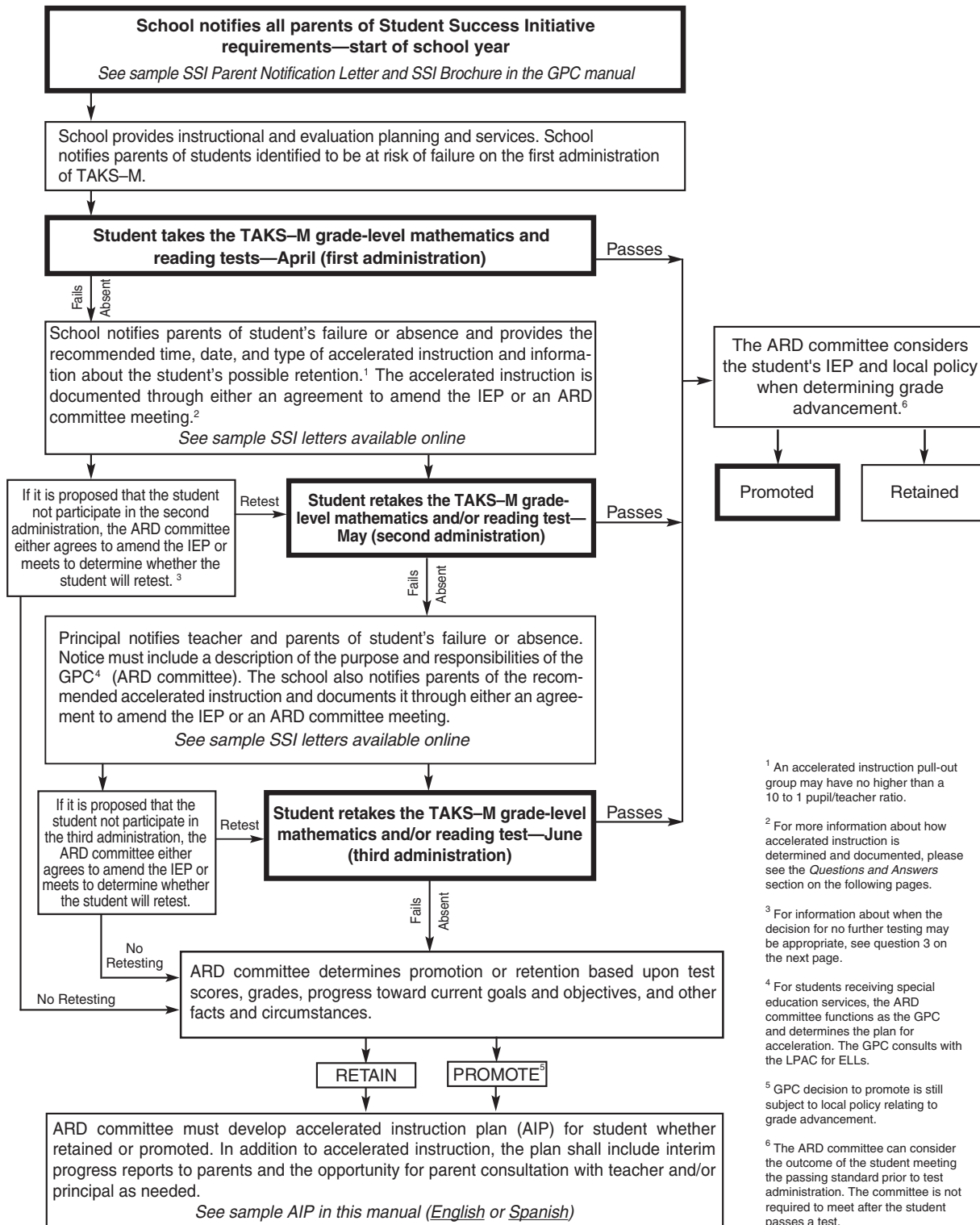
<sup>2</sup> For more information about how accelerated instruction is determined and documented, refer to the "Questions and Answers" section on the following pages.

<sup>3</sup> For students receiving special education services, the ARD committee functions as the GPC and determines the plan for acceleration. The GPC consults with the LPAC for ELLs.

<sup>4</sup> GPC decision to promote is still subject to local policy relating to grade advancement.

<sup>5</sup> The ARD committee can consider the outcome of the student meeting the passing standard prior to test administration. The committee is not required to meet after the student passes a test.

# SSI Grade Advancement Requirements for Students Receiving Special Education Services Taking TAKS–M



<sup>1</sup> An accelerated instruction pull-out group may have no higher than a 10 to 1 pupil/teacher ratio.

<sup>2</sup> For more information about how accelerated instruction is determined and documented, please see the *Questions and Answers* section on the following pages.

<sup>3</sup> For information about when the decision for no further testing may be appropriate, see question 3 on the next page.

<sup>4</sup> For students receiving special education services, the ARD committee functions as the GPC and determines the plan for acceleration. The GPC consults with the LPAC for ELLs.

<sup>5</sup> GPC decision to promote is still subject to local policy relating to grade advancement.

<sup>6</sup> The ARD committee can consider the outcome of the student meeting the passing standard prior to test administration. The committee is not required to meet after the student passes a test.

## Students Receiving Special Education Services: Questions and Answers

1. **Is there a GPC in addition to the ARD committee for students receiving special education services?**

No. The ARD committee serves as the GPC for students receiving special education services.

2. **Can an ARD committee write contingencies into a student's IEP regarding what actions will be taken if a student does not meet the passing standard on an upcoming SSI test?**

A student's performance on a test should be reviewed in order to determine what actions should be taken regarding accelerated instruction and promotion/retention. These decisions should be based on what is known about the student rather than on projections of how the student will perform.

3. **What is required if a student is absent from or does not meet the passing standard on the first administration of an assessment required under the SSI?**

The school is responsible for determining the type of accelerated instruction that a student will receive. The accelerated instruction should be in alignment with IEP goals and objectives that address the needs identified in the assessment. All accelerated instruction must be documented in the student's IEP, and the student must participate in the retest opportunity.

*For TAKS–M only, the ARD committee, of which the parent/guardian is a member, may determine that it is not appropriate for the student to participate in retesting. This decision should be based on the academic growth the student is expected to make after the first test administration. However, the school must continue to provide accelerated instruction for the remainder of the school year. If a student is absent from the first test administration, the student does need to participate in the second administration.*

4. **How is appropriate accelerated instruction determined for a student receiving special education services?**

When deciding on the type of accelerated instruction needed, the ARD committee must compare a student's test results with his or her IEP to make sure areas of weakness identified on the test align with the goals and objectives in the IEP. A continuation of the student's current IEP goals and areas of need may be an appropriate type of accelerated instruction.

5. **Can a student who has taken TAKS (Accommodated) for the first test administration take TAKS–M for a subsequent test administration?**

In order for a student to change assessments, there must be a change in instruction. There are specific eligibility requirements for TAKS–M. If a student meets these criteria, TAKS–M should be administered. If a student did not meet the TAKS–M participation requirements prior to the first administration of an SSI assessment, then the only way a student could take TAKS–M for the second administration is if the student's instruction changes in a way that makes the student eligible for this assessment.

6. **When does an ARD committee need to convene in order to document accelerated instruction rather than documenting the accelerated instruction through an agreement to amend the IEP?**

An ARD committee needs to convene when a change in placement (e.g., instructional setting) is proposed.

For further information about situations that do not require the attendance of all members of an ARD committee, please refer to page 37 of this manual.

**7. What is a parental waiver request, and does it apply to students receiving special education services?**

The ARD committee, of which the parent/guardian is a member, may determine that a student should not participate in the third testing opportunity due to potential harm to the student. Although a Parent Waiver form is not required for students who receive special education services, documentation must be included in the IEP that specifies the potential harm and other appropriate information. If the ARD committee determines that the student does not need to participate in the third administration, the student must still participate in all required accelerated instruction prior to placement in or promotion to the next grade.

**8. Is it necessary for the ARD committee to reconvene in order to determine that the student will not retest?**

If it is proposed that the student should not participate in a retest, the ARD committee must either agree to amend the IEP or meet before the retest opportunity to make this decision. The ARD committee must document the rationale for such a decision in the student's IEP.

**9. When can an ARD committee make decisions regarding promotion/retention?**

For a student who has not met the passing standard, the ARD committee, of which the parent/guardian is a member, may consider grade promotion or retention when determining that the student will no longer participate in further testing or after the third test administration. However, the student must still participate in all required accelerated instruction prior to placement in or promotion to the next grade. An ARD committee may determine, prior to testing, that a student may be promoted to the next grade if he or she meets the passing standard and any other requirements outlined in the IEP.

**10. What is required if a student is absent from, does not participate in, or does not meet the passing standard on the second administration of an assessment required under the SSI?**

The school is responsible for determining the type of accelerated instruction that a student will receive. The accelerated instruction should be in alignment with the student's IEP goals and objectives that address the needs identified in the assessment. All accelerated instruction must be documented in the student's IEP. The school must also review a parental waiver request for the third testing opportunity, if applicable. The ARD committee, of which the parent/guardian is a member, may determine that it is not appropriate for the student to participate in retesting.

**11. Does a student receiving special education services who has not met the passing standard after two testing opportunities need to attend summer school?**

Accelerated instruction is subject to the state compulsory attendance laws as specified by TEC, §25.085(d) (3), which refers to "an accelerated instruction program to which the student is assigned under Section 28.0211." This includes summer accelerated instruction programs. ARD committees may also consider other alternatives when prescribing accelerated instruction to meet the needs of students. Additionally, 19 TAC, §101.2006(b) allows a school district to require participation in accelerated instruction before or after normal school hours and may include participation at times of the school year outside normal school operations.

**12. What is required if a student is absent from, does not participate in, or does not meet the passing standard on the third administration of an assessment required under the SSI?**

The ARD committee must convene for any student who does not meet the passing standard on the third administration of an assessment required under the SSI. The committee, of which the parent/guardian is a member, is responsible for making promotion decisions, determining that a student has received the required accelerated instruction prior to placement in or promotion to the next grade, and determining an accelerated instruction plan for the upcoming school year, whether the student is retained or promoted.

**13. For students receiving special education services, what is an accelerated instruction plan (AIP) for the following school year?**

For students receiving special education services, the IEP serves as the accelerated instruction plan for the following school year. Considering data from the previous SSI test administration(s), an appropriate AIP builds on the goals and objectives of the student's current IEP by addressing the student's needs as identified on the assessment and during accelerated instruction. A continuation of the student's current IEP goals and areas of need may be appropriate for the accelerated instruction plan.

**14. When may the AIP for the following school year be developed?**

An ARD committee, of which the parent/guardian is a member, may develop the AIP after the student fails the third test administration or when the committee determines that a student will not participate in further testing. If an ARD committee decides to waive the third test administration (or second administration for TAKS–M), then the ARD committee may choose to wait until after the student has participated in more accelerated instruction to develop the AIP. When there is enough information to make instructional decisions for the following school year, the ARD committee can reconvene or the student's IEP can be modified by agreement.

**15. Is a student who is receiving special education services subject to the automatic retention requirements of the SSI?**

No. Although all of the SSI requirements apply to students who take TAKS, TAKS (Accommodated), or TAKS–M, retention and promotion decisions for students receiving special education services are made by the ARD committee, which should consider the student's individual needs when making these decisions. The decision to promote or retain a student does not have to be unanimous but must follow the general rules governing ARD committee decision-making as set forth in 19 TAC, Chapter 89, Subchapter AA.

## Guidance Related to an Agreement to Amend an IEP

The following is an excerpt from the federal Individuals with Disabilities Education Improvement Act of 2004 (IDEA) regulations and may be used as guidance in determining when an ARD committee needs to convene to make decisions required by the SSI. Eligibility determinations, changes of placement, and manifestation determination reviews may not be conducted through the amendment without a meeting process. For questions related to this law, please contact the TEA Division of IDEA Coordination at 512-463-9414.

34 CFR, Sec. 300.324 Development, review, and revision of IEP (excerpt).

(a) Development of IEP.

(4) Agreement. (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

(5) Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

(6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

## Special Education Scenarios

Tommy is a student receiving special education services. Does he take TAKS, TAKS (Accommodated), TAKS-M, or TAKS-Alt?	Tommy takes the test that his ARD committee determines to be the most appropriate measure of his academic achievement and progress.
Jeanie did not meet the passing standard on the first administration of a TAKS test required by the SSI. Her parents request an ARD committee meeting to ask whether TAKS (Accommodated) might be a more appropriate assessment. Can the ARD committee change the testing requirement at this time?	Yes. For the second administration Jeanie may take the TAKS (Accommodated), as determined through the ARD process. The ARD committee makes this determination by reviewing the changes that have occurred to Jeanie's instruction, specifically regarding the accommodations provided in the classroom.
Tomika takes a TAKS test, does not meet the passing standard, and is referred for testing to see if she qualifies for special education services. If she qualifies, is she subject to the SSI grade advancement requirements?	Yes. All students receiving special education services who are enrolled in grade 5 or grade 8 and take either a TAKS, TAKS (Accommodated), or TAKS-M test in an SSI subject area are subject to the SSI grade advancement requirements. If Tomika qualifies for special education services, the ARD committee will serve as the GPC as needed and determine appropriate testing and accelerated instruction.
Grace is taking the TAKS-M reading test for the first time. How is satisfactory performance determined with regard to SSI?	Satisfactory performance on TAKS-M is determined by the passing standard set by the state in August 2008. Students will receive a Met Standard, Did Not Meet Standard, or Commended Performance rating on their Confidential Student Reports.
Kay is receiving special education services. She receives instruction for reading and spelling in the dyslexia program and assistance with schoolwork in content mastery. Who determines which assessment Kay takes? Who determines which accommodations are appropriate for her to use during testing?	The ARD committee makes these determinations.
Ariana is a grade 5 student receiving special education services and is also classified as LEP. Do the SSI grade advancement requirements apply to her?	If Ariana does not qualify for a LAT administration and takes TAKS, TAKS (Accommodated), or TAKS-M in mathematics and/or reading as determined by her ARD committee in conjunction with the LPAC, then the SSI requirements apply. (Note that the ARD committee in conjunction with the LPAC makes the final decisions about assessment and grade placement.)
Aiden is a student receiving special education services who has failed to meet the passing standard on all three SSI test administrations. Is Aiden automatically retained?	No. The role of the ARD committee does not change when considering SSI requirements. Decisions regarding promotion and retention are made by the ARD committee, taking into account the student's test scores, grades, progress on current goals and objectives, and other facts and circumstances. Whether the student is retained or promoted, the ARD committee must develop an AIP for the student.
Frank is a student receiving special education services who has failed to meet the passing standard on all three SSI test administrations. The ARD committee is prepared to determine accelerated instruction for the summer but does not think a traditional summer school program is appropriate. Can the ARD committee determine more appropriate accelerated instruction?	Yes. The ARD committee must determine the most appropriate accelerated instruction for each student based on the student's IEP.

# Students with Dyslexia or Related Disorders

The SSI grade advancement requirements apply to all students enrolled in grades 5 and 8, except immigrant ELLs who qualify for LAT administrations. SSI grade advancement requirements include students who do not receive special education services but are dyslexic or have related disorders. Districts should carefully review all information relating to allowable and nonallowable accommodations for the TAKS, TAKS (Accommodated), and TAKS–M tests to ensure that students with disabilities receive appropriate accommodations when taking an SSI assessment.

TEC, §28.021(b), Student Advancement, requires that districts consider students' potential for achievement or proficiency in the assessed subjects when making assessment decisions about students who are dyslexic.

The GPC must ensure that accelerated instruction and promotion decisions are made on an individual basis. Upon a parent's appeal of the automatic retention due to his or her child's not passing an assessment required under the SSI, the GPC is required to look at "all facts and circumstances" regarding the student's grade-level academic achievement and progress. Dyslexia should be considered in this review as well as in the development of the accelerated instruction plan for the next school year.

## Students with Dyslexia: Question and Answer

### 1. What assistance is available for students with dyslexia?

Current administrative rules and procedures require districts and charter schools to develop programs to meet the needs of students with dyslexia.

*The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* contains the SBOE's approved procedures concerning dyslexia and related disorders. Chapter II of the handbook contains procedures for the identification of students with dyslexia, including whether the student qualifies for services under the Rehabilitation Act of 1973 (Section 504) or the Individuals with Disabilities Education Act (IDEA). The handbook includes a list of professional organizations that may be contacted as a resource as well as contact information for the State Dyslexia Headquarters and hotline (800-232-3030). Allowable testing accommodations for students, including students with dyslexia, may be found in the *2010–2011 Accommodations Manual*.

Services provided through the Texas Reading Initiative continue as a system of support for struggling readers. The early reading instruments assist in timely identification of students at risk for reading difficulties, including dyslexia, and accelerated reading instruction provides targeted intervention.

## Dyslexia Scenarios

<p>Ahmet receives accommodations for each administration of TAKS. Will those be allowed on each administration of a TAKS test required by the SSI?</p>	<p>Yes, as long as the accommodations are allowable and routinely used with the student in his classes. See the 2010–2011 Accommodations Manual for information on allowable accommodations.</p>
<p>Catherine has not met the passing standard after three attempts. How should the GPC determine her potential for achievement or proficiency as described in the commissioner’s rules?</p>	<p>The GPC should review individual testing used to determine dyslexia, review teacher and parent information about her ability to “handle” her schoolwork and her knowledge of the content, determine whether appropriate accommodations were used when she took TAKS, and develop an AIP for the next school year. If the parent has appealed the automatic retention, the GPC must also review all facts and circumstances to determine whether the student has completed all required accelerated instruction and, if promoted, is likely to perform on grade level the next school year with additional accelerated instruction.</p>
<p>Marta is a student with dyslexia receiving special education services. How do the SSI grade advancement requirements apply to her?</p>	<p>The ARD committee determines the appropriate assessment, accelerated instruction, and grade placement, as with any other student receiving special education services.</p>
<p>Justin qualified for the dyslexia program shortly after the first administration of TAKS, on which he did not meet the passing standard. How does his participation in the dyslexia program affect his future testing and grade-placement?</p>	<p>His participation in the dyslexia program will not affect his future testing or placement, though he may qualify for additional accommodations. (See the 2010–2011 Accommodations Manual for more information.) However, the GPC should consider whether he has completed all required accelerated instruction and his potential for achievement or proficiency when making decisions about grade-placement.</p>
<p>Ian is a student with dyslexia but has been released from the dyslexia program at his school. He does receive accommodations in some classes and in testing situations. Can he receive accommodations on TAKS?</p>	<p>Yes, as long as the accommodations are routinely used for Ian and the accommodations are allowable. (See the 2010–2011 Accommodations Manual for more information.)</p>
<p>Jada is dyslexic and has not met the passing standard after the second administration of TAKS. Her parents have asked for a waiver for the third administration due to potential harm but do not want her retained. What are the options for the GPC to consider?</p>	<p>Even if the waiver is approved, Jada must still participate in appropriate accelerated instruction over the summer. Since she has not met the passing standard on any of the three testing opportunities, she is automatically retained. The GPC will determine an AIP for the next school year. If the parent appeals the retention, the GPC will also consider grade-level placement. However, Jada must have completed all required accelerated instruction to be eligible to be promoted or placed in the next grade.</p>

# English Language Learners (ELLs)

Language proficiency assessment committees (LPACs) are responsible for determining the appropriate assessments for ELLs in accordance with the policies and procedures delineated in the TEA publication titled *LPAC Decision-Making Process for the Texas Assessment Program*.

ELLs who take TAKS, TAKS (Accommodated), or TAKS–M, except for those who qualify for linguistically accommodated testing (LAT) procedures, are subject to SSI grade advancement requirements in grades 5 and 8. Students who participate in LAT administrations\* do not retake tests if they fail them, and decisions about these students' grade advancement are made in accordance with locally determined procedures.

Under the SSI requirements, a GPC is formed if an eligible student does not meet the passing standard after two SSI testing opportunities. When a GPC convenes for an ELL who has not passed the required statewide assessment, the commissioner's rules specify that the GPC make its decisions in consultation with a member of the student's LPAC. After consultation, the GPC will prescribe accelerated instruction and review parental waiver requests (if applicable), as stated in this manual.

If an ELL does not meet the passing standard on the third administration of an assessment required under the SSI, the student is automatically retained. The GPC, after consulting with a member of the student's LPAC, will determine an AIP for the upcoming school year and make promotion decisions if the student's parent has appealed the automatic retention. The GPC may consider the LPAC member's advice regarding promotion or retention, but the decision to promote must be made by a unanimous decision of the GPC members (the principal or principal's designee, the teacher in the subject area failed, and the parent or guardian). Additionally, the student may not be promoted to or placed in the next grade level unless he or she has participated in all required accelerated instruction.

## ELLs Receiving Special Education Services

For ELLs who are receiving special education services, the ARD committee in conjunction with the LPAC makes the final decisions about assessment and grade placement so that issues related to both the student's disability and language proficiency are carefully considered.

\*Only immigrant English language learners who qualify for a LEP exemption or for special provisions as unschooled asylees or refugees are eligible for LAT administrations. See the *LPAC Decision-Making Process for the Texas Assessment Program* manual for more information.

## ELL Student Scenarios

José is in a bilingual program. Should he take an English or a Spanish test?	The LPAC makes that determination prior to the first test administration.
Ariana is a grade 5 student receiving special education services and is also classified as LEP. Do the SSI grade advancement requirements apply to her?	If she does not qualify for a LAT administration and takes TAKS, TAKS (Accommodated), or TAKS-M in mathematics and/or reading as determined by her ARD committee in conjunction with the LPAC, then the SSI requirements apply. (Note that the ARD committee in conjunction with the LPAC makes the final decisions about assessment and grade placement.)
Tui has not met the passing standard on the second administration of TAKS. Does the LPAC need to meet? If so, when?	The LPAC meets BEFORE the GPC to decide on recommendations for accelerated instruction and the administration of the next test. The LPAC then provides these recommendations to the GPC.
Sonia did not meet the passing standard on the first administration of a TAKS test covered by the SSI. Is it permissible for the LPAC to grant her a LEP exemption for the subsequent test administrations?	No. Once the LPAC determines that an ELL meets the eligibility criteria for the first administration of a TAKS test covered by SSI, it cannot exempt the student from the second or third administration.
If Roberto took the Spanish test on the first administration and did not meet the passing standard, can the LPAC recommend that he take the English test for the second or third administration?	Only under rare circumstances would it be permissible for the LPAC to change the language of the test. In such a case the LPAC must make the decision carefully and provide thorough documentation justifying the need for the change.
María met the passing standard in Spanish on the first administration. Can she take the test in English during the second or third administration in order to meet state criteria to exit the bilingual program?	No. Once a student has met the passing standard, the student is not eligible for further administrations of the assessment during the same school year.
Are LEP exemptions for eligible immigrant students treated as “did not meet the standard” for GPC purposes?	No. A student who is LEP-exempt is not subject to the SSI grade advancement requirements. However, local district grade advancement policies remain in place.

# MOBILE AND MIGRANT STUDENTS

## Mobile Students

Student mobility within and across school districts is a significant challenge to effective implementation of the SSI grade advancement requirements. Continuity in understanding and addressing a student's needs for grade-level academic achievement requires effective coordination and communication across schools and districts. Schools must ensure sufficient documentation of student progress with regard to SSI grade advancement, including additional accelerated instruction, testing history, and GPC minutes as well as any other pertinent documentation.

According to 19 TAC, §101.2003, any student who is enrolled at the time of testing is required to take the statewide TAKS SSI tests or, if appropriate, TAKS (Accommodated) or TAKS–M. There is no minimum period of enrollment before the tests. Under 19 TAC, §101.2003(b), an eligible student who enrolls in a school district or charter school on any day between January 1 and the date of the first administration of the grade advancement assessments is subject to all of the SSI grade advancement requirements, including automatic retention. An eligible student who enrolls after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements but must receive the opportunity to test and be given access to required accelerated instruction.

When a student moves from one Texas public school district to another after the first or second administration of a test required under the SSI, the receiving district is responsible for reviewing the student's records and, if applicable, providing appropriate accelerated instruction and additional testing opportunities as required by the law. The receiving district must coordinate with the previous district in regard to testing history and accelerated instruction.

A student who has transferred from another state or a private/home school and who enrolls in a Texas public school after the first administration of a TAKS SSI test but prior to the second or third test administration is required to take tests on the next scheduled administration date and is subject to all SSI requirements except the automatic retention component\*.

Students who transfer directly from one Texas public school district or charter school to another in an SSI year are subject to all the SSI requirements\*. This includes students who transfer between grade levels. If the student has not met the SSI requirements for the previous school year, the receiving school must review the student's testing and accelerated instruction history and provide additional accelerated instruction and a GPC, as needed. Receiving districts can disagree with the GPC decision from the student's previous district since the district where the student is currently enrolled is responsible for the student.

Out-of-state or private/home-school students who enroll after the completion of an SSI school year are not subject to the requirements of the SSI for that school year. When a student has been promoted in another state or in a nonpublic school before enrolling in a Texas public school, a GPC does not have any mandated responsibility to determine the grade placement of the student. Districts must continue to decide on these grade placements as a local responsibility. Based on local policy, the district may choose to honor or to reject the placement decision of the other state or nonpublic school with or without the administration of an assessment to make the placement decision.

\*LEP-exempt students taking LAT are not subject to SSI requirements.

## Mobile Student Scenarios

<p>Melayne did not meet the passing standard on the first administration of TAKS and then withdrew for home schooling. Will she be subject to the grade advancement policy if she returns to the public school the following school year?</p>	<p>No. The district should follow local policy for grade-level placement of any student upon enrollment from any school other than a Texas public school or charter school. This includes private schools and home schools.</p>
<p>Eileen did not meet the passing standard on the first administration of TAKS and then withdrew to go to a private school. She is promoted by the private school and then returns the next school year to public school. In which grade is she placed? Does it make a difference if the private school is accredited or not?</p>	<p>If Eileen has been promoted by the private school, the district should follow local policy for grade-level placement upon entry from that private school, including consideration of accreditation status.</p>
<p>Ken is a grade 5 student who moves to a Texas district from Louisiana on April 13th. Do the SSI grade advancement requirements apply to him, and if so, how?</p>	<p>All the grade advancement requirements except for the automatic retention component apply to students who move into the state and enroll in a public school after the date of the first test administration. However, these students must still participate in all other SSI requirements, such as assessment, accelerated instruction, the GPC process, and an accelerated instruction plan (AIP).</p>

## Migrant Students

Students identified as migrant are required to test if they are enrolled during the time of testing, (with the exception of certain eligible immigrant ELLs). A migrant student who withdraws from a Texas public school during the school year of a grade advancement test is not subject to SSI grade advancement requirements unless the student re-enrolls during that school year and meets other eligibility requirements. Moreover, according to 19 TAC, §101.2007(h), any student who has been promoted upon completion of a school year in another state (or in a nonpublic school) may be enrolled in that grade without regard to his or her satisfactory performance on an SSI assessment. This rule applies to many migrant students.

An eligible student who enrolls in a school district or charter school on any day between January 1 and the date of the first administration of the grade advancement assessments is subject to all of the SSI grade advancement requirements, including automatic retention. An eligible student who enrolls after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements but must receive the opportunity to test and be given access to required accelerated instruction.

Migrant students who do not pass the first two administrations of an SSI assessment and who will be in another state for the third test administration will be able to meet testing requirements through TAKS. During the summer, migrant students can take the appropriate TAKS mathematics and/or reading tests at a receiving-state site under the oversight of the Texas Migrant Interstate Program (TMIP). Migrant students who are unable to participate in the summer administration of an SSI test may be given a substitute assessment, which may be considered by the GPC as evidence in its review. Migrant students who are in the state but residing away from their home district for the summer test administration may register to test in or near the district where they are residing during the summer. (See the “Summer Accelerated Instruction and Testing” section of this manual.)

Informed and continuous communication between all parties involved is critical to the migrant student’s academic success. Districts and GPCs may wish to keep in contact with Migrant Service Coordinators to effectively communicate and address migrant students’ needs.

## Migrant Student Scenarios

<p>Mari is a migrant student who moves out of state after she has taken the first mathematics and reading tests and has not met the passing standard. Is she subject to the SSI grade advancement requirements?</p>	<p>Mari is subject to these requirements if she is enrolled in a Texas public school. A migrant student who withdraws from a Texas public school during the school year and does not return prior to the next school year is not subject to the grade advancement policy. However, she is still subject to local district policy regarding placement when she returns.</p>
<p>Can Mari take TAKS outside of Texas?</p>	<p>Mari may take TAKS outside of Texas. The Texas Migrant Interstate Program (TMIP) will coordinate with receiving summer sites to identify students who are eligible for TAKS SSI tests. TMIP will also coordinate study materials and test administrator training and send Texas educators to receiving states to assist with the third SSI test administration.</p>
<p>Tony is a migrant student who moves out of state after he has not met the passing standard on the first two tests. How will his AIP be transferred with him?</p>	<p>The New Generation System (NGS) Texas Database for migrant students is currently capable of downloading TAKS test results for identified migrant students. Student profiles are easily accessible for all nationwide migrant program personnel registered with the NGS database at no cost to the receiving sites. A method for carrying AIPs and TAKS results is offered through the Texas Migrant Student Transfer Packet System, better known as the “Red Bag.” Parents are trained and encouraged to place all educational and medical records in the bag and present it upon arriving at the receiving state.</p>

# ACCELERATED INSTRUCTION

## Policy Requirements

TEC, §28.0211(a-1) requires accelerated instruction be provided to a student in the applicable subject whenever the student does not meet the passing standard on a state assessment for grades 3–8. The type of accelerated instruction is a local decision that should be based on individual student need. 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 is subject to state compulsory attendance laws as specified by TEC, §25.085(d)(3), which requires a student enrolled in a school district to participate in “an accelerated instruction program to which the student is assigned under Section 28.0211.”

According to 19 TAC, §101.2006(e)(1) and TEC, §28.0211(c), a 10:1 (or lower) student-to-teacher ratio is required when providing accelerated instruction in a pull-out group. This applies to any period of time in which accelerated instruction is being provided in response to the requirements stated in TEC, §28.0211, including summer school. The ratio is not applicable for the student’s entire instructional day. The 10:1 ratio applies to students receiving accelerated instruction as a result of failing an SSI assessment but does not apply to students receiving accelerated instruction as a result of failing any other TAKS assessment in grades 3–8.

When a student has not met the passing standard or was absent for the first testing opportunity of a grade advancement test, the district must provide accelerated instruction before the next testing opportunity. For students who are absent for a test required by the SSI, the district may choose to administer a local test or other diagnostic assessment to determine accelerated instruction needs.

If a student has not met the passing standard or was absent for two testing opportunities of a grade advancement test, the GPC is required to meet and prescribe accelerated instruction for the student. The GPC should be specific about the accelerated instruction the student will receive before the third test administration, including summer accelerated instruction programs. However, the GPC may be flexible in prescribing accelerated instruction to meet the needs of students with special summer circumstances. (See the “Summer Accelerated Instruction and Testing” section of this manual.)

The law requires the GPC to meet and create an accelerated instruction plan (AIP) for the next school year for each student who has not met the passing standard after three testing opportunities of a grade advancement test, whether the student is retained or promoted by the GPC. This AIP must be designed to enable the student to perform at the appropriate grade level by the conclusion of the next school year. During the school year, the student should be monitored to ensure that he or she is making progress toward this goal. The district should provide interim progress reports to the parent as well as the opportunity for parent consultation with the teacher and/or principal as needed.

If a parental waiver request has been granted for the third testing opportunity due to potential harm to the student, the student must still participate in all accelerated instruction required by the GPC before he or she can be placed in or promoted to the next grade. The accelerated instruction should be designed to address the instructional needs of each individual student.

## Designing Accelerated Instruction and Accelerated Instruction Plans Required for a Grade Advancement Test

Accelerated instruction should begin as soon as possible after a district has been notified that a student has not met the passing standard on a grade advancement test. Instruction should continue until the next scheduled testing opportunity. Students in grades 5 or 8 who are identified as being at risk for failure on a TAKS SSI test should receive accelerated instruction throughout the school year, plus further accelerated instruction after each testing opportunity on which they are unsuccessful. It is important to note that this instruction should build on any accelerated instruction the student has received prior to TAKS.

Neither the law nor the rules specify the amount of time to be provided for the accelerated instruction. To support the SSI requirements, the law and the commissioner's rules provide districts and charter schools with flexibility to determine on an individual student basis the appropriate form, content, and timing of the accelerated instruction. The policy governing accelerated instruction is intended to allow districts flexibility to meet individual student needs. Although students' instructional needs may vary, all students deserve qualified professional delivery of instruction by highly trained educators. Therefore, a component of the SSI is training for classroom teachers in frequent and ongoing assessment and instructional strategies to meet the full spectrum of student needs. The coordination of regular instruction and accelerated instruction both before and after the TAKS administrations is strongly recommended.

In designing an AIP, the GPC should use a student's TAKS results and other performance data, such as previous diagnostic tests, classroom assessments, grades, teacher observation, and academic progress reports, to build a program that enhances the instruction the student has already received. In addition, a district should employ best instructional practices as identified through current scientific research. A district may obtain and implement these practices with technical assistance from regional education service centers.

### Identifying At-Risk Students

School personnel should use results from previous TAKS tests and other diagnostic tools as the primary criteria for identifying students who are struggling in mathematics and/or reading. Resources such as the Texas Mathematics Diagnostic System (TMDS), which is available online at <http://www.tmsds.org>, or district-created progress-monitoring tools may be used to identify students. Additional considerations may include performance on classroom assessments, teacher observation, progress reports, and report cards.

### Accelerated Instruction

TEA's Division of Curriculum provides guidelines for accelerated programs for students in grades K–8 who are identified as needing intervention. Response to Intervention (RTI) may be one model that districts can use to provide accelerated instruction. RTI resources are available through the Division of Curriculum at <http://www.tea.state.tx.us/index2.aspx?id=5817>. Although these resources provide guidance in implementing appropriate instructional interventions, districts are ultimately responsible for specific decisions regarding both pre- and post-TAKS accelerated instruction. Districts may also find additional support in addressing the needs of a diverse student population by attending professional development training at each of the regional education service centers. TEKS-based training is currently available for K–12 educators in the four core content areas—English language arts, mathematics, science, and social studies—at no cost to districts.

## Mathematics Instruction

Resources and information for teachers who work with students identified as being at risk in mathematics may be accessed through Division of Curriculum website at <http://www.tea.state.tx.us/index2.aspx?id=3449>. These materials will assist teachers in implementing TEKS-based instruction. Teachers in grades 5–8 also have access to Middle School Students in Texas: Algebra Ready (MSTAR) academies in both face-to-face and online formats. The MSTAR academies provide training on how to improve overall mathematics instruction and student achievement in order to meet end-of-course Algebra I standards. Information about the MSTAR academies is available through all regional education service centers.

## Reading Instruction

The professional development materials created for the Texas Teacher Reading Academies (TRAs) are a valuable resource for teachers. Districts may offer a TRA training locally, or teachers may attend training sessions at their regional education service center if offered. TRA resources for grades K–4 are available from the Vaughn Gross Center for Reading and Language Arts (VGCRLA) website at <http://texasreading.org>. Additional information and resources from the TRAs and the Texas Reading First program can also be accessed at <http://www.texasreadsources.org/>. English language arts, mathematics, science, and social studies teachers in grades 6–8 have access to the Texas Adolescent Literacy Academies (TALA). The academies provide professional development in scientifically based reading instruction (SBRI) for adolescents. Information about TALA is available through all regional education service centers.

## Accelerated Instruction: Questions and Answers

1. How is the “accelerated instruction” referenced in the SSI grade advancement requirements of TEC, §28.0211 similar to or different from the “accelerated reading instruction” component of the SSI mandated by TEC, §28.006?

The intent of both laws is to provide immediate intervention based on a student’s individual instructional needs. Both laws allow the district to determine the form, content, and timing of the accelerated instruction.

According to TEC, §28.006, districts shall implement an “accelerated reading instruction program” for students who, based on the results of the early reading instruments in grades K–2, are determined to be at risk for reading failure. This accelerated instruction is designed to provide immediate intervention upon identification of student need in order to prevent reading failure. Based on current reading research, it is recommended that this preventive intervention be provided in small-group settings of three to four students.

According to TEC, §28.0211, districts must provide accelerated instruction to a student after he or she has not met the passing standard on **any** TAKS test administered in grades 3–8. For students who fail to perform satisfactorily on an SSI assessment—reading and/or mathematics at grades 5 or 8—accelerated instruction must take place with no more than ten students to one teacher when provided in a pull-out group setting. In addition, a student who fails to perform satisfactorily on an SSI assessment may not be promoted to or be placed in the next grade level unless he or she completes **all** required accelerated instruction.

2. **During the last twelve weeks of the school year, does TEC, §25.112(a)(2) [Class Size] allow a district to exceed the 10:1 ratio required for SSI group-administered accelerated instruction?**

No. It should be noted that the 12-week exemption in TEC, §25.112 is intended to accommodate end-of-year enrollment increases that cause districts to slightly exceed the 22:1 ratio in a kindergarten, grade 1, grade 2, grade 3, or grade 4 class. This exemption would not apply to the period of time in which accelerated instruction in a pull-out group setting is being provided. In these settings, the student-to-teacher ratio is not to exceed 10:1.

3. **If a 5<sup>th</sup> grader does not meet the passing standard on the third administration of the TAKS mathematics test, does the student have to complete additional accelerated instruction before he or she can be placed in or promoted to grade 6?**

The GPC must prescribe additional accelerated instruction that the student must complete before he or she can be placed in or promoted to the 6<sup>th</sup> grade. The district has latitude in determining the time and manner in which the student can receive additional accelerated instruction; however, the student must complete this prescribed instruction before he can be placed in a 6<sup>th</sup> grade classroom.

4. **If a student does not meet the passing standard on a test required under the SSI and is promoted by the GPC after receiving required accelerated instruction, does the student take the TAKS tests for the next grade level or repeat the test that he or she did not pass in the preceding school year? Whichever is the case, can accelerated instruction stop when the student passes?**

Any student who is promoted to the next grade by the GPC must receive an accelerated instruction plan for the next school year. The promoted student would take only those tests required for the grade level in which he or she is enrolled. The GPC may consider demonstrated proficiency on a TAKS test taken in the next grade to determine whether additional accelerated instruction is necessary.

5. **Will additional staffing be needed for the required accelerated instruction?**

Each district must decide how it will provide accelerated instruction. Districts may choose to hire additional personnel to deliver the accelerated instruction. However, districts may modify instructional schedules of regular classroom teachers so that appropriate highly qualified personnel are made available to deliver the accelerated instruction as needed. All personnel involved in providing accelerated instruction must meet any applicable state and federal regulations.

6. **If schools need to provide transportation for children after school hours or during the summer, will the state fund this transportation?**

Schools are responsible for providing transportation to students required to attend acceleration programs if these programs occur outside of regular school hours. Transportation for summer and after-school tutorial programs is not funded under TEC, §42.155. Coordination of different funding sources may facilitate a district's ability to provide transportation to and from accelerated programs. Federal funds may also be an option for some districts.

7. **What can teachers do to help all their students prepare for the TAKS mathematics and reading assessments at grades 5 and 8?**

Teachers should be experts in the content they are teaching, and the foundation for classroom instruction should be the Texas Essential Knowledge and Skills (TEKS). The TAKS tests are directly based on the TEKS and are designed to measure how well students are learning the knowledge and skills in the TEKS. Although not all TEKS are eligible for testing, all TEKS are critical building blocks that provide students with the background, knowledge, and skills they need to achieve academic success.

Some TEKS are tested directly, while others supplement or help strengthen the skills that are tested. Therefore, it is vital to teach the TEKS in their entirety for each subject and grade level.

Effective teachers make learning interesting, challenging, and meaningful. The most effective preparation for TAKS does not include instruction focused on TAKS worksheets or drills but instead includes TEKS-based instructional activities that provide students with multiple and varied opportunities to learn and discover.

Students should be taught a wide variety of strategies that they can access, depending on the context of the problem they are solving or the text they are reading. Instructional strategies that require students to think through and process rich, complex problems or to use critical-thinking skills are encouraged. In the upper elementary grades and middle school, integration of learning opportunities across content areas will support students as they apply skills and strategies in numerous contexts.

# THE GRADE PLACEMENT COMMITTEE (GPC)

## Purpose of the GPC

A school district must establish a GPC for each student who does not demonstrate proficiency on the second administration of TAKS. Each student's GPC will

- determine appropriate accelerated instruction that the district must provide the student before the third test administration;
- consider all facts and circumstances if a parent appeals the automatic retention of a student who does not demonstrate proficiency after three testing opportunities. The GPC may promote the student if it determines, by **unanimous** decision and in accordance with local board policy and the criteria under TEC, §28.021(c), that the student has completed all required accelerated instruction and is likely to perform satisfactorily at the next grade level given additional accelerated instruction;
- if the GPC votes to promote, prescribe the accelerated instruction the student must complete before being placed in or promoted to the next grade; and
- develop a plan for the accelerated instruction the student shall receive during the next school year, regardless of whether the student is retained or promoted.

The superintendent of each school district or chief administrative officer of each charter school is responsible for establishing local procedures for the convening of a GPC. Additionally, local school boards have the authority to establish further GPC policies beyond those required in the rules. The district has authority to determine “the time and place for convening” the GPC under TEC, §28.021(c).

## The GPC of Special Populations

For students receiving special education services, the ARD committee serves as the GPC. For ELLs, the GPC makes decisions in consultation with a member of the student's LPAC. If an ELL is receiving special education services, the ARD committee, serving as the GPC, makes all decisions for the student. In such cases, 19 TAC §101.2003(f) specifies that the ARD committee must make assessment-related decisions in conjunction with the LPAC to ensure that issues related to the student's language proficiency are duly considered.

## Required Members of the GPC

The GPC consists of the principal or principal's designee, the teacher of the subject-area test not passed by the student, and the student's parent or guardian. The intent of the law governing the SSI grade advancement requirements is that the GPC meet with all its members in attendance. Ideally, the GPC consists of the primary members listed above. However, the commissioner's rules provide for specific alternatives in the event that any one of the members is unable or unavailable to meet. (See 19 TAC §101.2007.)

With regard to the principal:

The law allows for the principal to appoint a designee to serve on the GPC in his or her place. The intent of this provision is to enable the GPC to function most effectively in the interest of the student. Principals are encouraged but not required to make decisions regarding designees as early as possible and to inform parents of the decision.

With regard to the teacher:

TEC, §28.0211(c) requires that the teacher of the subject-area test not passed by the student be a member of the GPC. Therefore, the law intends for the GPC to include a teacher assigned to this student for that subject if at all possible. In the case where the original teacher is no longer a district employee, the teacher serving on the GPC may be someone other than the original classroom teacher. In addition, the teacher “most familiar with the student’s performance in the subject of the assessment on which the student failed to perform satisfactorily” may have changed since the previous administration of TAKS. For example, the teacher in a summer program may be determined to be more familiar with the student’s progress in the applicable subject than the classroom teacher. In either case, the teacher “most familiar with the student” in the applicable subject area should serve on the GPC.

The commissioner’s rules also provide that when the student’s teacher is unavailable, the principal shall designate a certified professional educator who is most familiar with the student in the applicable subject area to serve on the GPC. (See 19 TAC, §101.2007[b].) The term “unavailable” in this rule is understood to apply to exceptional circumstances such as extended illness, leave of absence, or change in employment. It should be emphasized that this rule authorizes a district to switch personnel **only** when necessary to ensure that the student has the GPC to which he or she is entitled under the statute.

With regard to the parent:

The rules provide several options to ensure that the parent is represented on the GPC in the event that he or she is unable or unavailable to serve on the GPC. (See 19 TAC, §101.2007[b].) The parent has the option to designate another individual to serve on the GPC for all purposes; this designation must be provided in writing to the district. The parent also may waive participation in the GPC and designate the remaining members of the GPC as the decision-making entity for all purposes. The principal may designate an individual to fulfill the parent’s role if a parent cannot be located. Additionally, a surrogate parent named to act on behalf of a student with a disability shall be considered a parent for purposes of TEC, §28.0211.

The district shall make a good-faith effort to notify a parent about the GPC meeting. There may be circumstances, however, when a parent cannot physically be present to attend the GPC meeting but wants to retain the right to participate. The rules provide that if a parent or designee is unable to attend a meeting, the district may use other methods to ensure parent participation, including individual and conference telephone calls. This rule does not, however, authorize the district to arbitrarily decide not to meet. Instead, it directs the district to accomplish the purpose and intent of the statute—to have the committee meet and address the needs of the student—even though the parent cannot attend.

If a parent is unavailable and no designee or surrogate parent has been named, the remaining members of the GPC must convene as required and take any actions required; however, the GPC **may not** agree to promote a student unless a parent or designee has appealed or has waived his or her rights to the remaining members of the GPC. See 19 TAC, §101.2007(b) and (b)(2). A district may allow an appeal to be filed in writing by the parent in lieu of attendance at the GPC.

If more than one parent has the authority to make educational decisions regarding the student, both may serve on the GPC, but participation of only one parent is sufficient. If both parents serve on the GPC but do not agree, either may agree to promote the student (if the remaining members of the GPC also agree to the promotion).

## Required GPC Meetings

The law and rules specify a minimum number of GPC meetings that must occur at specific times during the school year in accordance with accelerated instruction and retesting opportunities. The GPC is first established and required to meet after a student does not meet the passing standard on or is absent from the second administration of a grade advancement test. At this first meeting the GPC is responsible for prescribing accelerated instruction designed to meet the student's needs prior to the third testing opportunity. The GPC should also consider and decide on any waiver requests from parents or guardians for the third administration and whether the student will continue to take TAKS, TAKS (Accommodated), or TAKS–M. A substitute assessment for TAKS mathematics and reading tests at grades 5 and 8 is also available.

The GPC is also required to meet after a student does not meet the passing standard, is absent, or was waived from the third administration of the grade advancement test (resulting in the automatic retention of the student). At this meeting the GPC is responsible for determining grade-level placement for the next school year. If the committee votes to promote the student, it must prescribe the accelerated instruction the student must complete before being placed in or promoted to the next grade. Whether the student is retained or promoted, the GPC must also develop an AIP for the student.

In addition to the required minimum number of meetings set by state law and rules, districts have the authority to establish further GPC policies or procedures.

## Parental Request for Waiver of Third Administration

The commissioner's rules (19 TAC, §101.2015) require districts to establish a waiver process by which a parent or guardian may request that a student not participate in the third testing opportunity due to potential harm to the student. The provision of this waiver is intended to provide flexibility for a parent or guardian in making appropriate decisions in the best interest of the child. If the district procedure for granting waivers allows, the waiver decision can be made in consultation with the GPC. A student must still participate in the accelerated instruction determined by the GPC, even if the third testing opportunity is waived.

The waiver request must provide documentation of potential harm, student need, and other appropriate information. Since this is a waiver for the third and final testing opportunity, the student would be automatically retained if the district grants the waiver, as would any other student who has not met the passing standard in the applicable subject on any of the three testing opportunities. The parent must initiate an appeal of the automatic retention in order for the GPC to review whether to promote the student. The GPC would then review the question of retention or promotion and also determine the appropriate accelerated instruction plan for the next school year, regardless of whether the student is promoted or retained. In addition, the GPC must ensure that all required accelerated instruction has been completed before the student can be placed in or promoted to the next grade.

## Parental Appeal of an Automatic Retention

If a student is automatically retained, the parent must be notified of his or her right to appeal the retention. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. If an appeal has been initiated by the parent or guardian, the GPC must complete the following:

- Review all facts and circumstances, in accordance with standards adopted by the local school board, regarding whether the student, given additional accelerated instruction, is likely to perform on grade level during the next school year. These standards may include but are not limited to the following:
  - evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, and individual mathematics and reading diagnostic tests or inventories
  - improvement in student test performance over the three testing opportunities
  - extenuating circumstances that have adversely affected student participation in the required assessments
  - consideration of whether a student was not enrolled in a Texas public school for part of the school year
- Determine the grade-level placement of the student. Under TEC, §28.0211, a student may be promoted only if he or she has completed all required accelerated instruction and the GPC decision is unanimous. (See TEC, §28.0211 [a–2] and [e].) The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the school board. In addition, under TEC, §28.021(c) evidence supporting the GPC’s decision to promote a student must include the recommendation of the student’s teacher(s), the student’s grade in the subject(s) or course(s), the student’s assessment scores, and any other necessary academic information.
- Document the decision in accordance with local policy.
- Determine an accelerated instruction plan, whether the student is promoted or retained.

This review may take place at the same meeting or at an additional meeting or meetings.

The decision of the GPC is final and may not be appealed.

## Student Retention

There is no longer any state law limiting the number of student retentions. State law was changed in 1995 to require that student advancement be based on proficiency in the state-mandated curriculum. TEC, §28.021, Student Advancement, states, “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.” The agency reiterates that the SSI supports grade-level academic achievement in the state-mandated curriculum. Two specific provisions of the SSI grade advancement rules are intended to address the concerns of multiple-year retention—19 TAC §101.2019(a), which provides that a student retained at grade 8 may earn course credit for high school graduation, and 19 TAC §101.2019(b), which allows local policy to provide for the placement of retained students in an age-appropriate learning environment.

While TEC, §28.0211 established statewide grade advancement requirements, districts may establish local standards as long as these standards do not conflict with the state requirements. A student who meets the requirements of SSI grade advancement is still subject to local policy relating to grade advancement.

Students who meet the passing standard on a grade advancement test but are retained due to local policy will be subject to all of the SSI grade advancement requirements during the repeated school year.

## The Grade Placement Committee: Questions and Answers

- 1. Is the parent the only person in the GPC who can appeal a retention after a student has not met the standard a third time?**

Yes. However, a parent may designate by signed authorization someone to act on his or her behalf and/or waive his or her rights to participate in the GPC, leaving the decision-making power with the remaining members. If a parent waives participation completely, another GPC member may initiate the appeal (e.g., the parent designee or the student's teacher).

- 2. Must the decision to promote a student be unanimous?**

Yes. In order to promote a student upon appeal by a parent, the student must have completed all accelerated instruction and the GPC must agree unanimously that the student, upon review of all facts and circumstances and in accordance with local school board standards, is likely to perform satisfactorily at the next grade level given additional accelerated instruction. However, as specified by 19 TAC §101.2007(b), "If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of the GPC also agree to the promotion." For students receiving special education services, the ARD committee serves as the GPC and follows ARD procedures for making placement decisions. (See "Requirements for Special Populations" in this manual.)

- 3. Is the GPC's decision to promote or retain a student final?**

Yes. TEC, §28.0211 (e) states, "The decision of the grade placement committee is final and may not be appealed."

- 4. What type of documentation is needed if the GPC decides to promote a student to the next grade level?**

Although the rules do not specify required documentation supporting a student's promotion by a GPC, it would be prudent for the school to maintain records relating to all GPC meetings held, including the signatures of attendees, issues discussed, and decisions made, along with evidence that the student completed all accelerated instruction and evidence supporting the GPC's decision that the student is likely to perform on grade level if promoted. Evidence supporting the GPC's decision must include the recommendation of the student's teacher(s), the student's grade in the subject(s) or course(s), the student's assessment scores, and any other necessary academic information.

- 5. Can GPC meetings be combined for students who do not meet the passing standard on both the grade 5 mathematics and reading tests or the grade 8 mathematics and reading tests?**

Yes. Districts may choose to combine GPC meetings for those students who do not meet the passing standard on either the mathematics or reading test during the May or June administrations. In a joint meeting, the teachers for both mathematics and reading must be present, and if the parent has appealed the student's retention, a separate decision-making process must occur for each subject area. The decision to promote must be a unanimous decision by the principal, the teacher in the subject area in which the student failed, and the parent.

## Grade Placement Committee Scenarios

<p>Craig was absent for all three administrations of the test. Is he automatically retained?</p>	<p>Yes. Any student who does not meet the passing standard after three test administrations is automatically retained. A parent must appeal this retention to the GPC in order for the GPC to then review all facts and circumstances regarding this student's situation.</p>
<p>D'Neisha's mother removed her to be home schooled before the first TAKS administration. When D'Neisha returns in the following school year, does a GPC need to meet to determine grade-level placement?</p>	<p>No. The district should follow local policy for grade-level placement for any student upon enrollment from any school other than a Texas public school. This includes private schools and home schools.</p>
<p>Samantha's parents disagree about whether she should take the third administration of the assessment—one parent files a waiver, and the other disagrees. Will Samantha have to take a test?</p>	<p>This depends on the specific waiver process established by the local district. The commissioner's rules require districts to establish a waiver process for the third administration due to potential harm to the student. This process must include documentation of potential harm, student need, and other applicable information.</p>
<p>Ashley's parents have asked for and been granted a waiver for her not to take the third administration. However, they do not want Ashley to be retained in her current grade. When the GPC meets for the first time, can they make the grade placement decision at this point?</p>	<p>No. Ashley must participate in required accelerated instruction prior to the time the GPC makes a grade placement decision. If she does not complete the required accelerated instruction, the GPC may not place her in or promote her to the next grade.</p>
<p>Javier is a grade 5 gifted and talented (GT) student who had back surgery. He was unable to sit up for any of the three TAKS administrations. His homebound teacher gave him an informal reading inventory in late May that indicates he is reading on a grade 7 level. Based on an informal mathematics assessment, Javier is also progressing well in mathematics. If his GPC unanimously votes to promote him and he completes all of the required accelerated instruction, does he still need to have an AIP for the next school year?</p>	<p>Yes. In this case the GPC may likely determine that the appropriate AIP provides that Javier should continue in his regular classroom instruction, including instruction already provided in the GT program. The AIP should include a progress-monitoring report early in the next school year, at which time Javier's teacher in consultation with his parents could agree that the AIP has been successfully completed and is no longer needed.</p>
<p>Nicholas is an 8<sup>th</sup> grader who failed all three administrations of the TAKS reading test. His GPC has unanimously voted to promote him, but his parents do not want him to have to complete additional accelerated instruction before the start of the next school year. Can he begin the school year in the 9<sup>th</sup> grade and complete the prescribed accelerated instruction after school starts?</p>	<p>No. Nicholas must complete all prescribed accelerated instruction before he can be placed in or promoted to the 9<sup>th</sup> grade.</p>

# PARENT NOTIFICATION

Districts must inform the parents of every child about the overall requirements of the law regarding the SSI grade advancement. 19 TAC §101.13(b) states:

The superintendent of each school district and chief administrative officer of each charter school shall be responsible for the following in order to provide timely and full notification of testing requirements for advancement at certain grades:

1. notifying each student and his or her 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 public school, of the testing and accelerated instruction requirements for grade advancement as specified in the TEC, §28.0211;
2. notifying each student in Grades 1–8 who is new to the school district or charter school and his or her parent or guardian in writing of the testing and accelerated instruction requirements for grade advancement; and
3. notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

Parents should also be notified at the beginning of a grade advancement year. To assist with this notification, the agency has developed two brochures, *Prepare for Success—A Parent Guide to the Student Success Initiative at Grade 5* and *Prepare for Success—A Parent Guide to the Student Success Initiative at Grade 8*. These brochures are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi> and have been sent to districts for distribution.

## Early Notification for At-Risk Students

Parents whose children may be at risk for reading failure based on the results of the early reading instruments given in K–2 must be notified under the SSI as mandated by TEC, §28.006. TEC, §28.006 (g) requires schools to notify parents of all K–2 students of the early reading instrument results and to notify the parents of K–2 students identified as being at risk for reading difficulties, including dyslexia, about placement in an accelerated reading program.

The commissioner's rules also address early notification. This notification applies to students entering grades 5 and 8. Title 19 TAC §101.2009(b), Notice to Parents or Guardians, requires school districts to provide early notice to parents or guardians of students identified to be at risk of failure on the first administration of an assessment in an SSI grade and subject. The district must provide this notice before the end of the school year preceding the grade advancement requirements, and the superintendent must establish the instruments/procedures used to identify students at risk of failing an SSI assessment. The notice to parent must also include accelerated instruction participation requirements.

## Parent Notification after Test Administration

The commissioner's rules under 19 TAC §101.2009(c) require that notification to parents of students who did not demonstrate proficiency on the first TAKS administration include the student's test results, description of the district's grade advancement policy, the mandatory accelerated instruction assigned to the student, and the possibility that the student might be retained at the same grade level for the next school year. This notification should be made within five working days of district receipt of student test results from this administration.

Parent notification requirements for students who have failed to demonstrate proficiency after the second administration are found in 19 TAC §101.2007(c). The rules require that the district notification include a description of the purpose and responsibilities of the GPC and a time and place for the first GPC meeting.

After a student fails to meet the passing standard on the third administration, the GPC must reconvene. As per 19 TAC §101.2007(e), parents must be notified of test results, the time and place of the GPC meeting, and the parents' opportunity to appeal the automatic retention of their child. The district must have a procedure to ensure that a good-faith effort is made toward securing the parent or guardian's receipt of the retention notification. The parent or guardian must submit an appeal to the GPC within five working days of receiving the retention notification.

## Sample Notification Forms and Letters

Sample letters that districts may use to meet parental notification requirements about grade advancement requirements are available online at <http://www.tea.state.tx.us/student.assessment/resources/ssi>. These materials cover the scope of required notices and forms related to the grade advancement requirements in a format that facilitates downloading and editing for local use. The materials are provided in both English and Spanish to help districts meet the requirement of a good-faith effort to provide parent notifications in the parent's native language. A number of optional forms are also provided.

The SSI Activities Timeline includes a listing of the sample forms required and optional notification letters and forms, organized by SSI activity and date.

# SUMMER ACCELERATED INSTRUCTION AND TESTING

If a student has not met the passing standard after two testing opportunities required under the SSI, the GPC meets and prescribes the accelerated instruction to be offered before the next testing opportunity. The accelerated instruction should be designed to meet the student's academic needs. Since the GPC is allowed flexibility in prescribing the accelerated instruction, the committee should make an effort to accommodate the needs of students and parents who may have special circumstances that affect a child's ability to attend an established summer program in the district. However, the district statutorily has the ability to require the student to participate in accelerated instruction before or after normal school hours, which may include participation at times of the year outside normal school operations.

Accelerated instruction is required under state law related to SSI grade advancement (TEC, §28.0211). Therefore, it is subject to state compulsory attendance laws as specified by TEC, §25.085(d)(3), which refers to "an accelerated instruction program to which the student is assigned under Section 28.0211." This would apply to a summer school program that has been prescribed by the GPC.

## Summer Out-of-District Accelerated Instruction

19 TAC §101.2006(c) addresses students who will be residing outside their home district during the summer. A student who did not meet the passing standard on the first two administrations of a TAKS SSI assessment and who will be residing away from his or her home district may participate in any established, on-campus accelerated instruction program in the local district where he or she will be living for the summer. The district must accommodate the request of an out-of-district student to participate in its accelerated instruction program provided the program meets the needs of that student as prescribed by the student's GPC. The student's home district should contact the receiving district to ensure that the accelerated instruction is appropriate and has been completed. The two districts should enact a reciprocal agreement to ensure that all relevant information about the student is communicated.

When a district is receiving a student from out-of-district, the district is not required to schedule 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 situation, the district should include the out-of-district student in the existing class and request a waiver from TEA to allow for the additional student. Since the district is not required to set up an additional class or provide additional instructors for out-of-district students, the cost of adding a student should be minimal.

## Summer Out-of-District Testing

In addition to attending out-of-district accelerated instruction programs, students who need to take the third administration of an SSI grade advancement test out-of-district may do so in the local district where they will be living for the summer. The district must accommodate the request of an out-of-district student to participate in the third test administration, provided the district is scheduled to administer a TAKS SSI assessment to local students and the out-of-district student has registered in advance to take the test. To register a student for out-of-district testing, the home district must complete a registration form by a specified deadline. The form may be accessed online during the registration period at <http://www.TexasAssessment.com/TAKSoos> or completed on paper and mailed to the testing contractor. A district may choose to test walk-in students or out-of-district students who register after this deadline, but the district is not required to do so. Precoded campus identification sheets will be provided for all

out-of-district students who are registered. A district must hand-grid answer documents for all out-of-district students taking the test. Appropriate materials identification sheets must be hand-gridded for walk-ins and late registrants if the district chooses to allow them to test.

## Summer Accelerated Instruction and Testing Scenarios

<p>Juan lives with his mother and stepfather. He did not meet the passing standard on the first two administrations of TAKS. In the summer he goes to live with his father in another Texas district. Who will provide his accelerated instruction?</p>	<p>A school district must accommodate the request of an out-of-district student to participate in any established, on-campus accelerated instruction programs, provided the student is living away from his or her home district and the program meets the instructional needs of that student as established by the GPC. Juan's home district should contact the district where his father lives to determine whether the program will meet Juan's needs. If that program is appropriate, a reciprocal agreement should be established between the districts to ensure a smooth transition.</p>
<p>Terry attends a charter school. He has not met the passing standard on the first two administrations of TAKS. Is the charter school responsible for providing accelerated instruction during the summer months?</p>	<p>Yes. The charter school, like any public school, is required to provide all SSI grade advancement services, including accelerated instruction during the summer months. A charter school may not defer responsibility for accelerated instruction to a public school district. However, a charter school may establish a reciprocal agreement with a local district if both parties concur. If a student transfers at the beginning of the summer to a public school in the district in which he resides, the receiving school is responsible for providing accelerated instruction.</p>
<p>Charlotte is required to attend summer school as part of her accelerated instruction. Her parents refuse to allow her to attend. What should the district do?</p>	<p>Compulsory attendance laws pertain to accelerated instruction programs required by a student's GPC. Charlotte must complete all accelerated instruction in order for the GPC to consider promotion to or placement in the next grade. The GPC should keep documentation if a parent refuses accelerated instruction.</p>
<p>Tina is spending the summer with her grandparents in another state. May the GPC design accelerated instruction that takes this into consideration?</p>	<p>The GPC is allowed flexibility in prescribing accelerated instruction. Extenuating circumstances that prevent a student from receiving accelerated instruction in the home district may be considered, provided that the student's instructional needs are met by the plan. An independent study plan or arrangements for the provision of instruction at a private school or by a teacher may be considered. Independent study plans should be documented and monitored by the home district to ensure that the student is receiving the necessary instruction prior to placement in or promotion to the next grade.</p>
<p>Kayla will be in the care of her grandparents at the time of the third testing opportunity. May she take the test in the Texas public school district in which they live?</p>	<p>A campus or district must accommodate the request of an out-of-district student to participate in the third administration of an SSI test if that campus or district is testing one or more local students on the applicable test and if the student has registered for out-of-district testing by a date established by the testing contractor.</p>

# SUBSTITUTE ASSESSMENT OPTION FOR TAKS

State law allows a school district the option of using a substitute assessment in place of TAKS on the third testing opportunity. TEC, §28.0211(b) specifies, “A school district may administer an alternate assessment instrument to a student who has failed an assessment instrument specified under Subsection (a) on the previous two opportunities.”

The commissioner’s rules require that local school boards establish policy for a districtwide procedure for use of the substitute assessment option. There are two options local boards may choose

1. to use only TAKS on the third administration; or
2. to authorize the superintendent to select a test from the Commissioner’s List of Alternate Assessments and then allow the GPC to decide whether the substitute assessment or TAKS is appropriate on an individual student basis.

If a district chooses to allow a substitute assessment option, all students taking this option in the district must use the same substitute assessment selected by the district for the applicable subject area and grade.

The commissioner of education establishes the test dates for the three administrations of the test. The SSI statute specifies that accelerated instruction be provided to students who have not passed the test. In order to provide sufficient instructional time for the student’s accelerated instruction program, an adequate number of days must be scheduled between each administration of the assessment.

The administration of the substitute assessment must coincide with the date of the third administration of the statewide assessment. The test publisher is required to provide results of the substitute assessment to school districts within ten working days following receipt of the test materials from the school district. School districts and charter schools are required to follow the same procedures for ensuring test security and confidentiality that are required during the regular administrations of the TAKS tests.

## Commissioner’s List of Alternate Assessments

Section 28.0211(b) of the Texas Education Code specifies: “A school district may administer an alternate assessment instrument to a student who has failed an assessment instrument specified under Subsection (a) on the previous two opportunities.” As specified in 19 TAC §101.2011, the commissioner provides annually to school districts and charter schools a list of state-approved group-administered achievement tests certified by test publishers as meeting the requirements of TEC, §28.0211. A substitute assessment, the Iowa Test of Basic Skills (ITBS), is currently available for grade 5 mathematics, grade 5 reading, grade 8 mathematics, and grade 8 reading.

## Substitute Assessment Option: Questions and Answers

**1. Are norm-referenced tests eligible for the substitute assessment option?**

Yes. Both criterion-referenced tests (CRTs) and norm-referenced tests (NRTs) are eligible for inclusion on the Commissioner's List of Alternate Assessments.

**2. Is the Commissioner's List of Alternate Assessments the same list as the Commissioner's List of Early Reading Instruments?**

No. These are two distinct lists of assessment instruments that are designed for different purposes. The substitute assessment instruments are used to evaluate student achievement. The early reading instruments are used to diagnose students' instructional needs and to inform reading instruction.



# **Appendix A**

## **Laws and Rules**



## Texas Education Code (TEC)

The TEC is available on the Internet in PDF or Word format, which allows users to print copies as needed and search the electronic version for specific topics.

TEC, § 28.0211, Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction, details the obligations of school districts to students who do not meet the passing standard on the TAKS mathematics and reading tests in grades 5 and 8.

The complete text can be accessed online at  
<http://www.statutes.legis.state.tx.us/DOCS/ED/PDF/ED.28.pdf>.

## Texas Administrative Code (TAC)

The TAC and updates to the TAC are available on the Internet in PDF format, which allows users to print copies as needed and search the electronic version for specific topics.

The following chapter of the TAC details the SSI:

**Title 19, TAC Chapter 101, Assessment, Subchapter BB, Commissioner's Rules Concerning Grade Advancement and Accelerated Instruction**

The complete text can be accessed online at  
<http://www.tea.state.tx.us/rules/tac/chapter101/ch101bb.html>.

Updates are made periodically to the TAC. These updates reflect the latest published adopted rule actions taken by the SBOE and the commissioner of education. The current rule language is available at <http://www.tea.state.tx.us/rules/tac>.



