

BILL ANALYSIS

Senate Research Center
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S.B. 79
By: Nelson
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature unanimously approved S.B. 2033, prohibiting districts from requiring teachers to assign minimum grades without regard to a student's quality of work and clarifying that this policy may allow students a reasonable opportunity for make-up work. Several school districts misinterpreted this law to apply only to individual assignments and not to cumulative average or report card grades and filed suit against the Texas Education Agency in late 2009. In spring 2010, a Travis County judge ruled that S.B. 2033 was "not ambiguous" and that it requires districts to eliminate policies prohibiting teachers from giving honest grades on cumulative grade averages *and* on individual assignments and exams.

S.B. 79 clarifies that minimum grade policies are prohibited for "cumulative averages of grades," as well as for individual assignment and exam grades, and makes the prohibition applicable to any grade a district assigns and to the existing state requirement that districts report grades to parents every 12 weeks or, if performance is unsatisfactory, every three to four weeks. Finally, it removes references to "classroom teachers" to ensure that this legislation applies to student grades assigned by any teacher.

As proposed, S.B. 79 amends current law relating to the contents and applicability of a school district's grading policy.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.0216, Education Code, as follows:

Sec. 28.0216. DISTRICT GRADING POLICY. (a) Requires a school district, before each school year, to adopt a grading policy including provisions for the assignment of grades on class assignments and examinations and the calculation of cumulative averages of grades. Provides that a district grading policy:

- (1) must require a teacher, rather than a classroom teacher, to assign a grade that reflects the student's relative mastery of the subject without employing grade inflation or misrepresenting a student's deserved grade, rather than an assignment;
- (2) may not require a teacher to assign a minimum grade without regard to the student's quality of work; and
- (3) may allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.

(b) Requires that a district grading policy apply to the assignment of a grade for which written notice is required under Section 28.022(a)(2) (relating to the requirement that a district, at least once every 12 weeks, give written notice to a parent of a student's performance in each class or subject), in addition to any other grade assigned by the district.

SECTION 2. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 3. Effective date: upon passage or September 1, 2011.