

STAAR Program

Starting Points

March 30, 2011

Important Message from TASB Legal Services

This **Starting Points** document has received legal review from TASB Legal Services and reflects our understanding of current law and related guidance from the Texas Education Agency. Nevertheless, this **Starting Points** involves important local policy decisions about a set of laws that are relatively new and untested.

Specifically, several of the local policy decisions contained herein involve choices about how to incorporate students' scores on end-of-course (EOC) examinations into grade-related decisions. By law, the EOC exam scores must be 15 percent of students' final course grades; however, *final course grade* is not defined. Included in this **Starting Points** are choices about how EOC exam scores will bear on other academic decisions like course credit and class rank.

It is our understanding, based on the relevant statute and Agency guidance, that a student's *final course grade* is a separate determination that need not necessarily have a direct bearing on other academic decisions, such as course credit and class rank. However, there may be those who disagree and who would be willing to base a legal challenge on the idea that the legislative intent in including the EOC exam scores in final course grades was in fact to affect such decisions.

Consequently, please bear in mind that this **Starting Points** document is provided to Policy Service subscribers for educational purposes only, to inform your understanding of the topic and assist you in your local policy development. It contains information to facilitate a general understanding of the law, but it is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. **It is important for you to consult with your own attorneys in order to apply these legal principles and make local policy choices.**

A NEW SYSTEM OF STATE ASSESSMENTS

Beginning in the 2011–12 school year, the Texas Education Agency (TEA) will implement the State of Texas Assessments of Academic Readiness (STAAR) program, which includes new assessments in grades 3 through 8 and development of twelve end-of-course (EOC) assessments for students in grades 9 through 12. STAAR phases out the Texas Assessment of Knowledge and Skills (TAKS) program, in place since 2003. Students enrolled for the first time in grade 9 in the 2011–12 school year must perform successfully on the EOC assessments to graduate. To graduate on the Recommended or Advanced/Distinguished Achievement Programs, students must also meet performance targets on certain assessments. As a result of this new testing framework, TASB Policy Service has reviewed policies concerning grading and class rank, along with a range of other issues associated with the implementation of EOC assessments.

WHAT IS STAAR?

STAAR differs significantly from the current TAKS program in the following ways:

- STAAR assessments evaluate content and skills from the Texas Essential Knowledge and Skills at greater depth and a higher level of cognitive complexity.
- STAAR assessments emphasize readiness in terms of subsequent grades or courses, and ultimately, college and career readiness.

- EOC assessments constitute a new form of exit-level testing. To graduate, students must achieve a cumulative score at least equal to the product of the passing standard times the number of EOC assessments in each foundation area (English language arts, mathematics, science, and social studies). In general, students on the Recommended or the Advanced/Distinguished Achievement Programs are required to take all twelve EOC assessments. Students on the Minimum Program will usually take fewer EOC assessments.

For a complete overview of the STAAR program, see Section I of TEA's *Transition Plan for House Bill 3* at <http://www.tea.state.tx.us/student.assessment/hb3plan/>.

POLICY IMPACT

Implementation of the STAAR program will have an impact on three board policies: EIA(LOCAL), EIC(LOCAL), and EIE(LOCAL). Policy Service has provided sample policy text below concerning grading and class rank, affecting EIA and EIC respectively. Policy Service has also provided a sample resolution districts may use to address Student Success Initiative (SSI) promotion requirements at EIE.

Two key EOC assessment concepts have significant policy implications for districts in the areas of course credit, grading, and class rank:

- First, districts are required to have local board policy stating that an EOC assessment score counts as 15 percent of the final course grade.
- Second, a student is permitted to retake an EOC assessment for any reason at any of the scheduled testing administrations, with the district determining whether to count the retake score as 15 percent of the final course grade.

Policy Service has developed this ***Starting Points*** worksheet to help districts explore options and formulate policy in response to these primary questions:

- How will the initial EOC assessment score and/or retake scores be considered when making credit decisions for a particular course?
- How will retake scores be used to calculate the student's final course grade?
- How will the initial EOC assessment score or retake scores affect a student's grade point average (GPA) and class rank?

The worksheet provides policy text for several common district choices based on information Policy Service has gathered. Some districts may determine that locally developed text is better suited for their needs. For this reason, the worksheet offers the option for the district to include locally developed text, as appropriate.

Policy Service recommends that the district's decisions on how to use EOC assessment scores, except those involving class rank, be addressed at EIA(LOCAL), which includes board policy related to the district's guidelines for grading. Provisions on how EOC assessment scores affect class rank should be placed at EIC(LOCAL). Procedural details regarding implementation of the district's policy decisions should be included in the district's grading guidelines.

Amendments to the laws on EOC assessments could occur as a result of the current legislative session, which may require further changes to the district's policies. Several bills have been filed that could greatly affect EOC assessments. TASB Policy Service will monitor leg-

isolation in this area and alert you as soon as possible to any changes that could affect your decisions. For this reason, your board may wish to wait to adopt new policy text related to EOC assessments until after the end of the legislative session.

Note for districts that serve only kindergarten through grade 6 or 8: Districts that only serve students in kindergarten through grade 6 will only need to review the last section of the worksheet, which includes a sample resolution on EIE(LOCAL), and need not submit anything to Policy Service. Districts that serve students in kindergarten through grade 8 will need to complete all sections of the worksheet except for the section on class rank.

WORKSHEET INSTRUCTIONS

Please do not adopt this worksheet or this text at the present time. Once Policy Service receives the completed worksheet, we will incorporate the selected provisions into all relevant policies and prepare drafts, which will be returned to you and **should then be taken to the board for adoption.**

1. Please make certain you have completed the contact information section.
2. In the worksheet's left-hand column, type an "X" beside every statement that applies for each block of policy.
3. In the right-hand column, you can alter the default policy text or paste locally crafted policy text where appropriate. Word's "Track Changes" feature will annotate all of your edits.
4. If you need help with Track Changes (to turn off the "balloons," for instance) Ctrl+click the following links for instructions in [Word 2007](#) and [Word 2003](#).
5. **Before** the board has adopted any policy changes, **e-mail** the completed worksheet to your policy consultant or Policy.Service@TASB.org with the words "STAAR Worksheet" in the subject line. Your policy consultant will prepare drafts of the new policies for you and your board to review and adopt.
6. Make plans to communicate the new policies to your staff and students and to adjust hand-books or develop administrative regulations or procedures, as needed, to align with this new policy.
7. Be sure to notify us of adoption at pol-support@tasb.org so we can update the district's *Policy On Line* manual and our records.

Call your policy consultant at 800-580-7529 or 512-467-0222 if you have any questions.

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Contact Information

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CREDIT—EIA(LOCAL)

BACKGROUND

A district must first determine whether the initial EOC assessment score will affect course credit. Because an EOC assessment score must be counted as 15 percent of a student's final course grade, an EOC assessment score can either positively or negatively affect a student's grade. If the district considers the EOC assessment score in the credit decision, the assessment score can raise the grade above 70, resulting in course credit, or lower the grade below 70, causing the student to fail the course. To eliminate this effect on course credit, a district could choose to base credit decisions on the course grade before the EOC assessment score is added in as 15 percent of the final course grade.

Most districts assess credit based on semester grades, whereas the EOC assessment is given at the end of a two-semester course and by law must only be included in the final course grade calculation. If a district awards course credit on the basis of semester grades without consideration of the EOC assessment score, it would be possible for the district to award credit to a student with passing semester grades, but with a failing final course grade as reflected on the transcript once the EOC score is included.* A district that wishes to consider EOC assessment scores in credit decisions will need to determine how the assessment score will be calculated. See GRADING, below. To further complicate this issue, it appears that each district will be required to create its own conversion table to convert the scale EOC assessment scores to percentage scores that can be used to calculate the final course grade.

The district should also consider whether students with TAKS as a graduation requirement who are enrolled in the same course with students under the STAAR graduation program will be required to take the STAAR EOC assessment for the course so that calculations of final course grades for all students in the course are based on the same criteria. Because this is a transition issue, Policy Service recommends that this be addressed in grading guidelines rather than board-adopted local policy.

* The current academic achievement record or transcript form would require the district to use an asterisk (*) or other appropriate symbol for an explanation of the grade, since the current form only has one column in which to indicate the final course grade. Districts should also consider whether their grade calculation software will accommodate this method.

OPTIONS

This worksheet provides text for three policy options in regard to credit. If the district develops its own text, insert it at **Option 4**.

Option 1 reflects the district’s choice that an EOC assessment score will not be a factor in credit decisions.

Option 2 is somewhat more complicated, but may be attractive to districts that want to provide the most benefit to students. In this alternative, the EOC assessment score will affect a credit determination only if the student’s score results in a final course grade that permits the student to receive credit for a course for which the student would otherwise have received a failing grade. If a student’s score on the assessment results in lowering a student’s final course grade below passing, the EOC assessment score will not be included in the credit determination. This option may also benefit the district by improving graduation rates and accountability ratings. If the district determines that the initial assessment score will affect credit, the district will also need to consider whether EOC assessment retake scores will affect credit. See RETAKES, below.

Please note that both Option 1 and Option 2 limit the impact of EOC assessments in the award of credit and may raise the concerns expressed above in the message from Legal Services.

Option 3 reflects the district’s choice to consider the initial EOC assessment score in credit decisions in all circumstances, regardless of whether this results in a student earning or losing course credit. Under this choice, a student with a low EOC assessment score could lose course credit that the student would have otherwise received.

The statement at END-OF-COURSE ASSESSMENTS is required by law.

Type an X in the blank to choose the option appropriate for your district.

- The district selects option 1.
- The district selects option 2.
- The district selects option 3.
- The district selects option 4. The district has developed its own text. *(Type your text beneath "CREDIT—OPTION 4" at right.)*

END-OF-COURSE ASSESSMENTS

When required by state law, a student’s score on the initial end-of-course (EOC) assessment shall count for 15 percent of the student’s final grade for the course as reported on the student’s transcript.

CREDIT—OPTION 1

An EOC assessment score shall not affect whether the student receives credit for the course.

CREDIT—OPTION 2

An EOC assessment score shall affect whether a student receives credit for a course only if the score results in the student earning credit, as calculated in accordance with the District’s grading guidelines. If a student’s score on an EOC assessment results in lowering the student’s grade below passing, the score will not affect whether the student receives credit for the course.

CREDIT—OPTION 3

An EOC assessment score shall be a factor in determining whether the student receives credit for the course.

CREDIT—OPTION 4

RETAKES—EIA(LOCAL)**BACKGROUND**

As mentioned above, a student may retake an EOC assessment for any reason at any scheduled test administration. In accordance with law, a district cannot prohibit a student from retaking an EOC assessment, but the law gives districts the option of whether to count retake scores in the calculation of the final course grade.

Students who are trying to achieve the necessary scores for graduation may take an EOC assessment multiple times and several years after taking the course. Other students may wish to retake assessments to raise their final course grades reported on the transcript for purposes of college admission, scholarships, or other honors. Students who are struggling to earn course credit could retake an EOC assessment on multiple occasions, depending on the district's policy on whether retake scores are considered for credit decisions. A decision to include retake scores in the final course grade reported on the transcript would likely require the district to recalculate and change a student's transcript multiple times. Districts considering this approach should consider the staff time required for these activities.

OPTIONS

Based on these factors and the information on district practice that Policy Service has gathered, this worksheet provides text for three policy options in regard to retake scores, consistent with those at CREDIT, above. If the district develops its own text, insert it at **Option 4**.

In **Option 1**, retake scores will never count in the final course grade calculation or for credit decisions. This is a likely choice for a district that chose Option 1 at CREDIT, above. A district that does not consider the initial EOC assessment score in credit decisions will probably not want to consider retake scores in credit decisions.

A district that chooses Option 2 at CREDIT, above, is likely to consider retake scores in credit decisions if the score will allow a student to gain credit for the course. This choice is reflected in **Options 2** and **3**. In addition, the district will need to decide whether to recalculate the final course grade on the transcript with the retake scores. **Option 2** includes the retake score in the course grade on the transcript; **Option 3** does not. With **Option 3**, the transcript may show a failing final grade for the course, even though the student has been awarded credit. Consider how the district will explain this on the transcript and to parents and students.

Districts that choose to consider retake scores in credit decisions may wish to address several related issues in their grading guidelines, such as:

1. The number of times a district will accept a student's retake score for the purpose of earning course credit.
2. The time frame within which retakes will be accepted for the purpose of earning course credit.
3. The use of scores when a student takes the assessment multiple times. For example, will the district use the highest score or average the scores?

Please note: In accordance with law, a district cannot prohibit a student from retaking an EOC assessment. A district can only decide how the district will use the retake score.

Other Options: Some districts may wish to reflect retake scores in the final course grade as reported on the student's transcript, even if the retake score is not considered in credit decisions or class rank. A district that wishes to follow this approach may want to establish limits on the number of times or a timeframe within which it will recalculate the grade on the transcript, even though a district cannot limit the number of times the student can retake the assessment. Because of the administrative time and possible confusion involved in continually recalculating final grades and adjusting transcripts, Policy Service has not included this option in the worksheet.

Type an X in the blank to choose the option appropriate for your district.

- The district selects option 1.
- The district selects option 2.
- The district selects option 3.
- The district selects option 4. The district has developed its own text. (Type your text beneath "RETAKES—OPTION 4" at right.)

RETAKES—OPTION 1

If a student retakes an EOC assessment, the District will not include the retake score in the final grade calculation for the course as reported on the student's transcript. An EOC assessment retake score shall not affect whether the student receives credit for the course.

RETAKES—OPTION 2

If a student retakes an EOC assessment, the District will use the retake score for credit decisions only if the retake score allows a student to gain credit for the course. If the retake score is being used in the credit decision, the retake score will also be included in the final course grade calculation as reported on the student's transcript.

RETAKES—OPTION 3

If a student retakes an EOC assessment, the District will use the retake score for credit decisions only if the retake score allows a student to gain credit for the course; however, the District shall not include the retake score in the final grade calculation for the course as reported on the student's transcript.

RETAKES—OPTION 4

SPECIAL EDUCATION—EIA(LOCAL)

If a student receiving special education services is scheduled to graduate under the Minimum Program or in accordance with the provisions of his or her IEP, the student’s ARD committee will determine whether the general EOC assessment is an accurate measure of the student’s achievement and progress or whether an alternative assessment is more appropriate. STAAR Modified and STAAR Alternate are the alternative assessments in the STAAR program. If a student takes a STAAR Modified or Alternate assessment, the student’s ARD committee will determine whether the score on the EOC assessment will count as 15 percent of the student’s final grade, as well as whether successful performance and a cumulative score on the EOC assessments will be required for graduation. TEA recommends that the cumulative score be reported only for students who take one or more general EOC assessments, not for the alternative assessments.

For the reasons above, the adjacent text will be included in the policy draft that will be sent to you for board adoption.

SPECIAL EDUCATION

A student’s ARD committee shall determine the type of assessment to be administered and how the score on an EOC assessment shall be used for final course grades, credit decisions, and graduation requirements.

GRADING—EIA(LOCAL)

A district’s specific rules for calculating the final course grade with the EOC assessment score should be included in the district or campus grading guidelines rather than in local board policy. Districts that choose to include EOC assessment scores in individual semester grades will need to specify how and when semester grades will be calculated to include the EOC assessment score.* Districts have discretion in this area as long as the EOC assessment score totals 15 percent of the final course grade. Whatever the formula, consider whether it will work within the context of your grading software. The district might also consider including the calculation method on student report cards.

* UIL eligibility is only affected if an EOC assessment score directly affects the preceding six-week or nine-week grade. Most methods of calculating EOC assessment scores in course grades do not affect six-week or nine-week grades, only semester or yearly grades. If you have questions concerning UIL eligibility, please contact the UIL.

Type an X in the blank to choose whether or not to use the text shown at right.

X_ Yes, the district will use this text.

The district will use this text, but with the amendments shown at right. (*Type your changes into the text shown at right.*)

GRADING

Calculation of grades with EOC assessment scores shall be in accordance with the District’s grading guidelines.

CLASS RANK—EIC(LOCAL)**BACKGROUND**

Class rank is determined in accordance with EIC(LOCAL). The district will need to decide whether its class rank calculations will be based on semester grades with or without EOC assessment scores. To remain consistent with choices made above, some districts may decide to calculate class rank using semester grades that do not include EOC assessment scores. Other districts may choose to use the initial EOC assessment score in class rank, but not retake scores.

When considering whether to include the initial EOC assessment score in class rank, districts should consider the timing of when they will receive EOC assessment results. For the 2011–12 school year, results are scheduled to be released on June 4 for assessments taken online and June 8 for paper assessments. Release dates for results in future years have not been published, but are expected to be similar unless there are changes to the law. These timeframes would prevent districts from calculating class rank until June and could affect graduating seniors in other ways based on the other decisions the district has made regarding EOC assessment scores, such as whether scores are considered in credit decisions.

When considering whether to include EOC assessment retake scores in class rank, districts should consider that a student may retake an EOC assessment for any reason (including for the purpose of raising an already passing grade), at any scheduled test administration, even several years after taking the course. Recalculating class rank any time a student decides to retake an EOC assessment could lead to uncertainty about students' standing, would require tremendous staff time, and could lead to litigation since class rank can entitle students to monetary awards in the form of scholarships.

TASB Legal Services believes that, as long as the district's policy is consistently applied, a decision not to include EOC assessment scores in class rank calculations is similar to other common local policy choices about what to exclude from class rank calculations. For example, some districts exclude grades in dual credit courses, physical education courses, or local credit courses from their calculations. Nevertheless, as expressed in the message above from TASB Legal Services, this understanding has not been confirmed by a court or other legal authority.

OPTIONS

This worksheet provides text for two policy options in regard to class rank. If the district develops its own text, insert it at **Option 3**.

Option 1 provides that EOC assessment scores will not be included in course grades used for class rank calculations.

Option 2 includes only the initial EOC assessment score in the calculation of class rank and avoids the complication of including retake scores in the calculation of class rank.

Type an X in the blank to choose the option appropriate for your district.

The district selects option 1.

The district selects option 2.

The district selects option 3. The district has developed its own text. (*Type your text beneath "EOC ASSESSMENTS—OPTION 3" at right.*)

EOC ASSESSMENTS—OPTION 1

EOC assessment scores shall not be included in class rank calculations.

EOC ASSESSMENTS—OPTION 2

The initial EOC assessment score shall be included in class rank calculations. If a student retakes an EOC assessment, the retake score will not affect class rank.

EOC ASSESSMENTS—OPTION 3

SAMPLE RESOLUTION—EIE(LOCAL)

Another policy affected by the STAAR program is EIE(LOCAL), addressing retention and promotion. In addition to articulating district standards for mastery and promotion, most districts' EIE(LOCAL) policies restate the grade advancement testing provisions requiring students in grades 5 and 8 to meet the passing standard on applicable state-mandated assessment instruments to be promoted to the next grade.

TEA's Transition Plan explains that performance standards for grades 3 through 8 will not be established until fall 2012, which is several months after students have taken the first round of assessments in spring 2012. Because of this timeline, the Student Success Initiative (SSI) promotion requirements will not include use of the STAAR results in the 2011–12 school year only. The law continues to require the use of other academic information in promotion decisions, such as teacher recommendations and student grades.

To suspend the local policy provision requiring students to pass the grade 5 and 8 assessments, Policy Service suggests that the board consider adopting a resolution to this effect for the 2011–12 school year. Otherwise, a district would need to revise board policy twice—once to remove the provision and a second time to add back the requirement before the 2012–13 school year. A sample resolution has been included with this worksheet for your consideration.

Since districts should provide appropriate notice of all promotion standards to parents and students by the start of the school year, the district should be sure to publish any changes to its 2011–12 grade advancement standards in a readily accessible location, such as the district's Web site and the student handbook. Districts should also make information available to students and parents explaining the factors that will trigger formation of a grade placement committee for a student. The TEA Transition Plan explains that more information about SSI procedures in the absence of passing standards will be included in the 2011–12 Grade Placement Committee Manual.

TEA is also expected to make a final decision before the beginning of the 2011–12 school year about whether an 8th grade student who takes a high school course with an EOC assessment must take both the EOC assessment and the grade 8 STAAR examination. The district will need to communicate this information to students and parents.

If the district requires satisfactory performance on a state-mandated assessment for non-SSI grades and/or subjects as a local promotion standard, be sure to adjust the resolution text to identify those grades and subjects for which the state-mandated assessment is considered and also suspend the requirement for those grades and subjects for the 2011–12 school year.

**RESOLUTION OF THE BOARD TO SUSPEND PORTIONS OF EIE(LOCAL)
FOR THE 2011–12 SCHOOL YEAR ONLY**

WHEREAS, Title 19, Chapter 101 of the Texas Administrative Code and section 28.0211(a) of the Texas Education Code require students in grades 5 and 8 to meet the passing standards on the applicable state-mandated assessment instruments for those grade levels to be promoted to the next grade.

WHEREAS, the _____SD EIE(LOCAL) policy requires students in grades 5 and 8 to satisfy the above stated promotion standards in addition to local standards of promotion to be promoted to the next grade.

WHEREAS, state passing standards for the STAAR grade 5 and 8 examinations will not be established for the 2011–12 school year but only raw score data will be available.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of _____SD shall suspend for the 2011–12 school year only the portions of EIE(LOCAL) that require students in grades 5 and 8 to meet the passing standards on the applicable state-mandated assessment instruments for those grade levels to be promoted to the next grade.

Adopted this ____ day of _____, _____, by the Board of Trustees.

President

Secretary