

BILL ANALYSIS

C.S.H.B. 1263
By: Villarreal
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The state's public school accountability system poses a challenge for refugee and other immigrant students who arrive in the United States without any formal schooling and for the campuses and school districts that have a disproportionate number of such students. Schools have reported cases of students who arrive in the United States from war-torn regions and need to learn basic practices such as using a pencil, sitting at a desk, and using an indoor bathroom before they can make progress towards the material tested in statewide standardized tests.

C.S.H.B. 1263 authorizes for a student whose initial enrollment in a school in the United States was as an unschooled asylee or refugee an exemption from statewide standardized tests and end-of-course tests for a period of up to four years in addition to the one-year exemption the student may receive on the basis of being a student of limited English proficiency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1263 amends the Education Code to provide a student whose initial enrollment in a school in the United States was as an unschooled asylee or refugee an exemption from statewide standardized tests and end-of-course tests for a period of up to four years in addition to the one-year exemption the student may receive on the basis of being a student of limited English proficiency. The bill defines "unschooled asylee or refugee" to mean a student who initially enrolled in a school in the United States as an asylee or refugee as defined by federal law; has a visa issued by the United States Department of State with the appropriate arrival/departure record issued by the United States Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum;" and, as a result of inadequate schooling outside the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under state law as determined by the school district's language proficiency assessment committee. The bill makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1263 differs from the original by providing an exemption from statewide standardized tests and end-of-courses tests specifically for a student whose initial enrollment in a school in the United States was as an unschooled asylee or refugee, whereas the original increases the maximum period of the additional exemption for a student of limited English proficiency (LEP)

who is a recent unschooled immigrant and who already has received a one-year exemption on the basis of being an LEP student. The substitute removes a provision in the original specifying that the one-year initial exemption begins on the first day of instruction of the first full school year of the LEP student's enrollment in a school in the United States. The substitute adds a definition not in the original for "unschooled asylee or refugee." The substitute, unlike the original, makes its provisions applicable beginning with the 2009-2010 school year.