

By: Villarreal

H.B. No. 1263

Substitute the following for H.B. No. 1263:

By: Jackson

C.S.H.B. No. 1263

A BILL TO BE ENTITLED

1 AN ACT

2 relating to providing an exemption from the administration of  
3 certain assessment instruments for certain public school students  
4 who are asylees or refugees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 39.027, Education Code, is amended by  
7 amending Subsection (a) and adding Subsection (a-1) to read as  
8 follows:

9 (a) A student may be exempted from the administration of an  
10 assessment instrument under:

11 (1) Section 39.023(a) or (b) if the student is  
12 eligible for a special education program under Section 29.003 and  
13 the student's individualized education program does not include  
14 instruction in the essential knowledge and skills under Section  
15 28.002 at any grade level;

16 (2) Section 39.023(c) or (d) if the student is  
17 eligible for a special education program under Section 29.003 and:

18 (A) the student's individualized education  
19 program does not include instruction in the essential knowledge and  
20 skills under Section 28.002 at any grade level; or

21 (B) the assessment instrument, even with  
22 allowable modifications, would not provide an appropriate measure  
23 of the student's achievement as determined by the student's  
24 admission, review, and dismissal committee;

1           (3) Section 39.023(a) or (l) for a period of up to one  
2 year after initial enrollment in a school in the United States if  
3 the student is of limited English proficiency, as defined by  
4 Section 29.052, and has not demonstrated proficiency in English as  
5 determined by the assessment system under Subsection (e); ~~[or]~~

6           (4) Section 39.023(a) or (l) for a period of up to two  
7 years in addition to the exemption period authorized by Subdivision  
8 (3) if the student has received an exemption under Subdivision (3)  
9 and:

10                   (A) is a recent unschooled immigrant; or

11                   (B) is in a grade for which no assessment  
12 instrument in the primary language of the student is available; or

13                   (5) Section 39.023(a), (c), or (l) for a period of up  
14 to four years, in addition to the exemption period authorized by  
15 Subdivision (3), if the student's initial enrollment in a school in  
16 the United States was as an unschooled asylee or refugee.

17           (a-1) For purposes of this section, "unschooled asylee or  
18 refugee" means a student who:

19                   (1) initially enrolled in a school in the United  
20 States as:

21                           (A) an asylee as defined by 45 C.F.R. Section  
22 400.41; or

23                           (B) a refugee as defined by 8 U.S.C. Section  
24 1101;

25                   (2) has a visa issued by the United States Department  
26 of State with a Form I-94 Arrival/Departure record, or a successor  
27 document, issued by the United States Citizenship and Immigration

1 Services that is stamped with "Asylee," "Refugee," or "Asylum"; and  
2 (3) as a result of inadequate schooling outside of the  
3 United States, lacks the necessary foundation in the essential  
4 knowledge and skills of the curriculum prescribed under Section  
5 28.002 as determined by the language proficiency assessment  
6 committee established under Section 29.063.

7 SECTION 2. This Act applies beginning with the 2009-2010  
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.