

1-1 By: Van de Putte S.B. No. 1818
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Education; April 2, 2009,
1-4 reported favorably by the following vote: Yeas 6, Nays 0;
1-5 April 2, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to providing an exemption from the administration of
1-9 certain assessment instruments for certain public school students
1-10 who are asylees or refugees.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 39.027, Education Code, is amended by
1-13 amending Subsection (a) and adding Subsection (a-1) to read as
1-14 follows:

1-15 (a) A student may be exempted from the administration of an
1-16 assessment instrument under:

1-17 (1) Section 39.023(a) or (b) if the student is
1-18 eligible for a special education program under Section 29.003 and
1-19 the student's individualized education program does not include
1-20 instruction in the essential knowledge and skills under Section
1-21 28.002 at any grade level;

1-22 (2) Section 39.023(c) or (d) if the student is
1-23 eligible for a special education program under Section 29.003 and:

1-24 (A) the student's individualized education
1-25 program does not include instruction in the essential knowledge and
1-26 skills under Section 28.002 at any grade level; or

1-27 (B) the assessment instrument, even with
1-28 allowable modifications, would not provide an appropriate measure
1-29 of the student's achievement as determined by the student's
1-30 admission, review, and dismissal committee;

1-31 (3) Section 39.023(a) or (l) for a period of up to one
1-32 year after initial enrollment in a school in the United States if
1-33 the student is of limited English proficiency, as defined by
1-34 Section 29.052, and has not demonstrated proficiency in English as
1-35 determined by the assessment system under Subsection (e); ~~or~~

1-36 (4) Section 39.023(a) or (l) for a period of up to two
1-37 years in addition to the exemption period authorized by Subdivision
1-38 (3) if the student has received an exemption under Subdivision (3)
1-39 and:

1-40 (A) is a recent unschooled immigrant; or

1-41 (B) is in a grade for which no assessment
1-42 instrument in the primary language of the student is available; or

1-43 (5) Section 39.023(a), (c), or (l) for a period of up
1-44 to four years, in addition to the exemption period authorized by
1-45 Subdivision (3), if the student's initial enrollment in a school in
1-46 the United States was as an unschooled asylee or refugee.

1-47 (a-1) For purposes of this section, "unschooled asylee or
1-48 refugee" means a student who:

1-49 (1) initially enrolled in a school in the United
1-50 States as:

1-51 (A) an asylee as defined by 45 C.F.R. Section
1-52 400.41; or

1-53 (B) a refugee as defined by 8 U.S.C. Section
1-54 1101;

1-55 (2) has a visa issued by the United States Department
1-56 of State with a Form I-94 Arrival/Departure record, or a successor
1-57 document, issued by the United States Citizenship and Immigration
1-58 Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

1-59 (3) as a result of inadequate schooling outside of the
1-60 United States, lacks the necessary foundation in the essential
1-61 knowledge and skills of the curriculum prescribed under Section
1-62 28.002 as determined by the language proficiency assessment
1-63 committee established under Section 29.063.

1-64 SECTION 2. This Act applies beginning with the 2009-2010

2-1 school year.

2-2 SECTION 3. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2009.

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