

Amend CSHB 5 (house committee report) as follows:

(1) On page 36, lines 18 and 19, strike "Sections 39.054(a) and (b), Education Code, are amended" and substitute "Section 39.054, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (g)".

(2) On page 37, between lines 14 and 15, insert the following:

(g) This subsection applies notwithstanding any other provision of this chapter. This subsection applies only to a student of limited English proficiency, as defined by Section 29.052, and only to an assessment instrument administered under Section 39.023(a), (b), or (l). In evaluating school district and campus performance under this section on the basis of the student achievement indicator under Section 39.053(c)(1), the commissioner may not consider performance on an assessment instrument administered to a student for the first year after the student's initial enrollment in a school in the United States. Unless a student receives at least 90 days of instruction during a school year, that school year is not considered for purposes of initial enrollment. During each of the two years following the first year after the student's initial enrollment in a school in the United States, in evaluating performance under this section on the basis of the student achievement indicator under Section 39.053(c)(1), the commissioner shall consider the student as performing satisfactorily on an assessment instrument if the student has shown annual improvement in student achievement.