

Amend CSHB 5 (senate committee printing) in SECTION 9 of the bill as follows:

(1) In the recital to amended Section 28.0211, Education Code (page 5, line 26), strike "Section 28.0211(m), Education Code, is amended" and substitute "Section 28.0211, Education Code, is amended by amending Subsection (m) and adding Subsections (m-1) and (m-2)".

(2) Strike amended Section 28.0211(m), Education Code (page 5, lines 28-38), and substitute the following:

(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section and Section 28.0217. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner shall consider:

(1) the average cost per student per assessment instrument administration;

(2) the number of students that require accelerated instruction because the student failed to perform satisfactorily on an assessment instrument;

(3) whether sufficient funds have been appropriated to provide support to students in grades three through 12 identified as being at risk of dropping out of school, as defined in Section 29.081(d); and

(4) whether sufficient funds have been appropriated to provide instructional materials that are aligned with the assessment instruments under Sections 39.023(a) and (c).

(m-1) For purposes of certification under Subsection (m), the commissioner may not consider Foundation School Program funds. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section and Section 28.0217, including teacher training for that purpose.

(m-2) For each school year for which the commissioner does not certify that sufficient funds have been appropriated statewide for purposes of this section and Section 28.0217, the commissioner

shall suspend the assignment of performance ratings for campuses under Section 39.054.