

BILL ANALYSIS

C.S.H.B. 2004
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that recently immigrated students and students who are of limited English proficiency require a number of years upon entry to United States schools to gain sufficient content area knowledge in English. These students face considerable challenges in attempting to learn English as a second language while they are simultaneously expected to master core content taught in a language that they do not understand. Current law allows a student to be exempted from the administration of certain standardized tests for a period of up to one year after initial enrollment in a school in the United States if the student is of limited English proficiency and has not demonstrated proficiency in English, but the law does not specify the length of time that a student must be enrolled in a United States school for the enrollment to be considered a school year of enrollment. The parties contend that sometimes a partial year of school enrollment in the United States counts as one school year for purposes of the exemption regardless of when the student enrolled or withdrew during the school year.

C.S.H.B. 2004 seeks to ensure that students who qualify for this exemption have a specified minimum number of days of experience in a United States school system before being required to take certain standardized tests and to prevent the test performance of such students from negatively impacting a school's performance rating while the student gains sufficient content area knowledge in English.

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. 2004 amends the Education Code to prohibit a student from being considered to be enrolled in the United States in a given year for the purpose of determining the number of years a student of limited English proficiency may be exempt from the administration of certain statewide standardized tests unless the student is enrolled in a school in the United States for a period of at least 60 consecutive days during that year.

C.S.H.B. 2004 prohibits the commissioner of education, in evaluating school district and campus performance on student achievement indicators, from lowering a performance rating for purposes of public school accountability based on unsatisfactory performance on certain statewide standardized tests administered to a student for a period of two years after the student's initial enrollment in a school in the United States if the student is a student of limited English proficiency. The bill prohibits a student from being considered to be enrolled in a school in the United States in a given year for purposes of this prohibition unless the student is enrolled in a school in the United States for a period of at least 60 consecutive days during that year. The bill's provisions relating to the prohibition do not apply to a performance rating for purposes of compliance monitoring by the Texas Education Agency or for purposes of public school accountability under federal law.

C.S.H.B. 2004 applies its provisions to a student regardless of the date on which the student initially enrolled in a school in the United States.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2004 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 39.027, Education Code, is amended.

SECTION 1. Same as introduced version.

SECTION 2. Section 39.054, Education Code, is amended by adding Subsection (d-2) to read as follows:

SECTION 2. Section 39.054, Education Code, is amended by adding Subsection (d-2) to read as follows:

(d-2) In evaluating performance under Subsection (c), the commissioner may not lower a performance rating for purposes of this chapter based on unsatisfactory performance on an assessment instrument administered under Section 39.023(a), (b), (c), (l), or (n) to a student for a period of three years after the student's initial enrollment in a school in the United States if the student is a student of limited English proficiency, as defined by Section 29.052. Unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for purposes of this subsection. This subsection does not apply to a performance rating for purposes of:

(d-2) In evaluating performance under Subsection (c), the commissioner may not lower a performance rating for purposes of this chapter based on unsatisfactory performance on an assessment instrument administered under Section 39.023(a), (b), (c), (l), or (n) to a student for a period of two years after the student's initial enrollment in a school in the United States if the student is a student of limited English proficiency, as defined by Section 29.052. Unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for purposes of this subsection. This subsection does not apply to a performance rating for purposes of:

(1) compliance monitoring under Section 7.028; or

(1) compliance monitoring under Section 7.028; or

(2) public school accountability under federal law.

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SECTION 3. Sections 39.027(a-2) and 39.054(d-2), Education Code, as added by this Act, apply to a student regardless of the date on which the student initially enrolled in a school in the United States.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.