

BILL ANALYSIS

S.B. 377
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that recently immigrated students who are of limited English proficiency need a number of years upon entry to schools in the United States to gain sufficient mastery over English, all while being expected to master other core content taught in a language that they do not fully understand. Current law allows a student to be exempted from the administration of a statewide standardized test 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 as determined by the assessment system. The law does not, however, define how long a student is required to be enrolled in a U.S. school for that enrollment period to be considered a school year of enrollment. S.B. 377 seeks to address this issue as it relates to the determination of certain exemptions from the administration of statewide standardized tests to public school students and to the consideration of the performance of certain students on statewide standardized tests.

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

S.B. 377 amends the Education Code to prohibit a student from being considered to be enrolled in a school in the United States for a year for the purpose of determining the number of years after a student's initial enrollment in a school in the United States during which the student may be administered an accommodated or alternative test or granted an exemption from or a postponement of the administration of a test based on the student's status as a student of limited English proficiency, as a recent unschooled immigrant, or as an unschooled asylee or refugee, or on the student's enrollment in a grade for which there is no test in the student's primary language unless the student is enrolled in a school in the United States for a period of at least 60 consecutive days during that year.

S.B. 377 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 system 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 as enrolled in a school in the United States for a year 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 excepts from these provisions a performance rating for purposes either of compliance monitoring or of public school accountability under federal law and a test administered to a student of limited English proficiency in the student's native language. The bill's provisions apply 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.