

By: King of Taylor

H.B. No. 853

A BILL TO BE ENTITLED

1 AN ACT
2 relating to exemption from administration of assessment
3 instruments for and posting of assessment instrument performance
4 data of certain public school students.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 39.023(1) and (m), Education Code, are
7 amended to read as follows:

8 (1) The State Board of Education shall adopt rules for the
9 administration of the assessment instruments adopted under
10 Subsection (a) in Spanish to students in grades three through five
11 who are of limited English proficiency, as defined by Section
12 29.052, whose primary language is Spanish, and who are not
13 otherwise exempt from the administration of an assessment
14 instrument under Section 39.027(a)(1) [~~or (2)~~]. Each student of
15 limited English proficiency whose primary language is Spanish,
16 other than a student to whom Subsection (b) applies, may be assessed
17 using assessment instruments in Spanish under this subsection for
18 up to three years or assessment instruments in English under
19 Subsection (a). The language proficiency assessment committee
20 established under Section 29.063 shall determine which students are
21 administered assessment instruments in Spanish under this
22 subsection.

23 (m) The commissioner by rule shall develop procedures under
24 which the language proficiency assessment committee established

1 under Section 29.063 shall determine which students are exempt from
2 the administration of the assessment instruments under Section
3 39.027(a)(1) [~~or (2)~~]. The rules adopted under this subsection
4 shall ensure that the language proficiency assessment committee
5 provides that the exempted students are administered the assessment
6 instruments under Subsections (a) and (c) at the earliest practical
7 date.

8 SECTION 2. Section 39.027, Education Code, is amended by
9 amending Subsections (a) and (e) and adding Subsection (a-2) to
10 read as follows:

11 (a) A student may be administered an accommodated or
12 alternative assessment instrument or may be granted an exemption
13 from or a postponement of the administration of an assessment
14 instrument under:

15 (1) Section 39.023(a), (b), (c), or (1) for a period of
16 up to three years [~~one year~~] after initial enrollment in a school in
17 the United States if the student is of limited English proficiency,
18 as defined by Section 29.052, and has not demonstrated proficiency
19 in English as determined by the assessment system under Subsection
20 (e);

21 [~~(2) Section 39.023(a), (b), (c), or (1) for a period~~
22 ~~of up to two years in addition to the exemption period authorized by~~
23 ~~Subdivision (1) if the student has received an exemption under~~
24 ~~Subdivision (1) and:~~

25 [~~(A) is a recent unschooled immigrant, or~~

26 [~~(B) is in a grade for which no assessment~~

27 ~~instrument in the primary language of the student is available,] or~~

1 (2) [~~(3)~~] Section 39.023(a), (b), (c), or (1) for a
2 period of up to two [~~four~~] years, in addition to the exemption
3 period authorized under Subdivision (1), if the student's initial
4 enrollment in a school in the United States was as an unschooled
5 asylee or refugee.

6 (a-2) If there is a conflict between this section and
7 federal law or regulations as a result of forgoing under this
8 section certain administration of assessment instruments to
9 certain students, the agency shall seek a waiver from the
10 application of conflicting federal law or regulations.

11 (e) The commissioner shall develop an assessment system
12 that shall be used for evaluating the academic progress, including
13 reading proficiency in English, of all students of limited English
14 proficiency, as defined by Section 29.052. A student who is exempt
15 from the administration of an assessment instrument under
16 Subsection (a)(1) [~~or (2)~~] who achieves reading proficiency in
17 English as determined by the assessment system developed under this
18 subsection shall be administered the assessment instruments
19 described by Sections 39.023(a) and (c). The performance under the
20 assessment system developed under this subsection of students to
21 whom Subsection (a)(1) [~~or (2)~~] applies shall be included in the
22 indicator systems under Section 39.301, as applicable, the
23 performance report under Section 39.306, and the comprehensive
24 annual report under Section 39.332. This information shall be
25 provided in a manner that is disaggregated by the bilingual
26 education or special language program, if any, in which the student
27 is enrolled.

1 SECTION 3. Section 39.301(c), Education Code, is amended to
2 read as follows:

3 (c) Indicators for reporting purposes must include:

4 (1) the percentage of graduating students who meet the
5 course requirements established by State Board of Education rule
6 for the minimum high school program, the recommended high school
7 program, and the advanced high school program;

8 (2) the results of the SAT, ACT, articulated
9 postsecondary degree programs described by Section 61.852, and
10 certified workforce training programs described by Chapter 311,
11 Labor Code;

12 (3) for students who have failed to perform
13 satisfactorily, under each performance standard under Section
14 39.0241, on an assessment instrument required under Section
15 39.023(a) or (c), the performance of those students on subsequent
16 assessment instruments required under those sections, aggregated
17 by grade level and subject area;

18 (4) for each campus, the number of students,
19 disaggregated by major student subpopulations, that agree under
20 Section 28.025(b) to take courses under the minimum high school
21 program;

22 (5) the percentage of students, aggregated by grade
23 level, provided accelerated instruction under Section 28.0211(c),
24 the results of assessment instruments administered under that
25 section, the percentage of students promoted through the grade
26 placement committee process under Section 28.0211, the subject of
27 the assessment instrument on which each student failed to perform

1 satisfactorily under each performance standard under Section
2 39.0241, and the performance of those students in the school year
3 following that promotion on the assessment instruments required
4 under Section 39.023;

5 (6) the percentage of students of limited English
6 proficiency exempted from the administration of an assessment
7 instrument under Section [~~Sections~~] 39.027(a)(1) [~~and (2)~~];

8 (7) the percentage of students in a special education
9 program under Subchapter A, Chapter 29, assessed through assessment
10 instruments developed or adopted under Section 39.023(b);

11 (8) the percentage of students who satisfy the college
12 readiness measure;

13 (9) the measure of progress toward dual language
14 proficiency under Section 39.034(b), for students of limited
15 English proficiency, as defined by Section 29.052;

16 (10) the percentage of students who are not
17 educationally disadvantaged;

18 (11) the percentage of students who enroll and begin
19 instruction at an institution of higher education in the school
20 year following high school graduation; and

21 (12) the percentage of students who successfully
22 complete the first year of instruction at an institution of higher
23 education without needing a developmental education course.

24 SECTION 4. Section 39.332, Education Code, is amended by
25 adding Subsection (d-1) to read as follows:

26 (d-1) In reporting the information required by Subsection
27 (b)(3), the agency shall separately aggregate the performance data

1 of all students granted an exemption from administration of an
2 assessment instrument under Section 39.027. The agency shall post
3 on its Internet website performance data required under this
4 subsection and Subsection (b)(3).

5 SECTION 5. Section 39.027(g), Education Code, is repealed.

6 SECTION 6. This Act applies beginning with the 2013-2014
7 school year.

8 SECTION 7. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2013.