

By: M. Gonzalez of El Paso

H.B. No. 2004

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the determination of certain exemptions from the
3 administration of state assessment instruments to public school
4 students and to the consideration of the performance of certain
5 students on state assessment instruments.

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

7 SECTION 1. Section 39.027, Education Code, is amended by
8 adding Subsection (a-2) to read as follows:

9 (a-2) Unless a student is enrolled in a school in the United
10 States for a period of at least 60 consecutive days during a year,
11 the student may not be considered to be enrolled in a school in the
12 United States for that year for the purpose of determining a number
13 of years under Subsection (a)(1), (2), or (3).

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

16 (d-2) In evaluating performance under Subsection (c), the
17 commissioner may not lower a performance rating for purposes of
18 this chapter based on unsatisfactory performance on an assessment
19 instrument administered under Section 39.023(a), (b), (c), (l), or
20 (n) to a student for a period of three years after the student's
21 initial enrollment in a school in the United States if the student
22 is a student of limited English proficiency, as defined by Section
23 29.052. Unless a student is enrolled in a school in the United
24 States for a period of at least 60 consecutive days during a year,

1 the student may not be considered to be enrolled in a school in the
2 United States for that year for purposes of this subsection. This
3 subsection does not apply to a performance rating for purposes of:

4 (1) compliance monitoring under Section 7.028; or

5 (2) public school accountability under federal law.

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

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