

By: Lucio, et al.

S.B. No. 377

(M. Gonzalez of El Paso, King of Taylor, Guillen, Walle)

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 Subsections (d-2) and (d-3) to read as follows:

16 (d-2) Except as provided by Subsection (d-3), in evaluating
17 performance under Subsection (c), the commissioner may not lower a
18 performance rating for purposes of this chapter based on
19 unsatisfactory performance on an assessment instrument
20 administered under Section 39.023(a), (b), (c), (l), or (n) to a
21 student for a period of two years after the student's initial
22 enrollment in a school in the United States if the student is a
23 student of limited English proficiency, as defined by Section
24 29.052. Unless a student is enrolled in a school in the United

1 States for a period of at least 60 consecutive days during a year,
2 the student may not be considered to be enrolled in a school in the
3 United States for that year for purposes of this subsection. This
4 subsection does not apply to a performance rating for purposes of:

5 (1) compliance monitoring under Section 7.028; or

6 (2) public school accountability under federal law.

7 (d-3) Subsection (d-2) does not apply if the assessment
8 instrument administered to a student of limited English proficiency
9 is in the student's native language.

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

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