

1-1 By: Lucio, Rodriguez S.B. No. 377
 1-2 (In the Senate - Filed February 4, 2013; February 11, 2013,
 1-3 read first time and referred to Committee on Education;
 1-4 April 25, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 25, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 377 By: Lucio

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the determination of certain exemptions from the
 1-22 administration of state assessment instruments to public school
 1-23 students and to the consideration of the performance of certain
 1-24 students on state assessment instruments.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 39.027, Education Code, is amended by
 1-27 adding Subsection (a-2) to read as follows:

1-28 (a-2) Unless a student is enrolled in a school in the United
 1-29 States for a period of at least 60 consecutive days during a year,
 1-30 the student may not be considered to be enrolled in a school in the
 1-31 United States for that year for the purpose of determining a number
 1-32 of years under Subsection (a)(1), (2), or (3).

1-33 SECTION 2. Section 39.054, Education Code, is amended by
 1-34 adding Subsections (d-2) and (d-3) to read as follows:

1-35 (d-2) Except as provided by Subsection (d-3), in evaluating
 1-36 performance under Subsection (c), the commissioner may not lower a
 1-37 performance rating for purposes of this chapter based on
 1-38 unsatisfactory performance on an assessment instrument
 1-39 administered under Section 39.023(a), (b), (c), (l), or (n) to a
 1-40 student for a period of two years after the student's initial
 1-41 enrollment in a school in the United States if the student is a
 1-42 student of limited English proficiency, as defined by Section
 1-43 29.052. Unless a student is enrolled in a school in the United
 1-44 States for a period of at least 60 consecutive days during a year,
 1-45 the student may not be considered to be enrolled in a school in the
 1-46 United States for that year for purposes of this subsection. This
 1-47 subsection does not apply to a performance rating for purposes of:

1-48 (1) compliance monitoring under Section 7.028; or

1-49 (2) public school accountability under federal law.

1-50 (d-3) Subsection (d-2) does not apply if the assessment
 1-51 instrument administered to a student of limited English proficiency
 1-52 is in the student's native language.

1-53 SECTION 3. Subsection (a-2), Section 39.027, and Subsection
 1-54 (d-2), Section 39.054, Education Code, as added by this Act, apply
 1-55 to a student regardless of the date on which the student initially
 1-56 enrolled in a school in the United States.

1-57 SECTION 4. This Act takes effect September 1, 2013.

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