

By: Lucio

S.B. No. 711

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a postponement for certain recent immigrants of
3 requirements for enrolling in public school courses for which
4 end-of-course assessment instruments are administered.

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

6 SECTION 1. Subchapter B, Chapter 28, Education Code, is
7 amended by adding Section 28.028 to read as follows:

8 Sec. 28.028. POSTPONEMENT OF SECONDARY-LEVEL COURSES FOR
9 RECENT IMMIGRANT STUDENTS OF LIMITED ENGLISH PROFICIENCY. (a) In
10 this section, "recent immigrant" means a student who:

11 (1) has resided in the United States less than two
12 years; and

13 (2) has been enrolled in a school in the United States
14 less than two school years.

15 (b) This section applies only to a recent immigrant who is a
16 student of limited English proficiency, as defined by Section
17 29.052, and has not demonstrated proficiency in English as
18 determined under the assessment system under Section 39.027(e).

19 (c) For purposes of Subsection (a)(2) and to the extent
20 authorized by federal law, a student's previous enrollment in a
21 school in the United States shall be determined on the basis of
22 documents and records required under Section 25.002(a).

23 (d) Notwithstanding the accommodated or alternative
24 assessment instrument administration or the exemption from or

1 postponement of assessment instrument administration authorized by
2 Section 39.027, a recent immigrant shall be granted a postponement
3 of enrollment in a course for which an end-of-course assessment
4 instrument is required under Section 39.023(c) for a period of up to
5 two school years if the language proficiency assessment committee
6 under Section 29.063 determines postponement best serves the needs
7 of the student.

8 (e) For purposes of Subsection (d), a student who enrolls in
9 a school after the first day of a school year must be enrolled in
10 the school for at least 90 instructional days before the period is
11 considered one school year.

12 SECTION 2. Section 29.063(c), Education Code, is amended to
13 read as follows:

14 (c) The language proficiency assessment committee shall:

15 (1) review all pertinent information on limited
16 English proficiency students, including the home language survey,
17 the language proficiency tests in English and the primary language,
18 each student's achievement in content areas, and each student's
19 emotional and social attainment;

20 (2) make recommendations concerning the most
21 appropriate placement for the educational advancement of the
22 limited English proficiency student after the elementary grades;

23 (3) make recommendations for limited English
24 proficiency students as provided by Section 28.028 concerning the
25 postponement of enrollment in a course for which an end-of-course
26 assessment instrument is required under Section 39.023(c);

27 (4) review each limited English proficiency student's

1 progress at the end of the school year in order to determine future
2 appropriate placement;

3 (5) [~~(4)~~] monitor the progress of students formerly
4 classified as limited English proficiency who have transferred out
5 of the bilingual education or special language program and, based
6 on the information, designate the most appropriate placement for
7 such students; and

8 (6) [~~(5)~~] determine the appropriateness of a program
9 that extends beyond the regular school year based on the needs of
10 each limited English proficiency student.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.