

BILL ANALYSIS

C.S.H.B. 66
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that because a student who recently immigrated or who is of limited English proficiency faces two challenges simultaneously, learning English as a second language and mastering core content taught in a language in which the student is not yet proficient, it may take many years for the student to gain the content area knowledge in English that is necessary for the student to be adequately prepared for tests in that content area. While currently certain students of limited English proficiency are exempt from the administration of statewide standardized tests for a limited number of years after the student's initial enrollment in a school in the United States, the parties express concern that the test results of a student of limited English proficiency who is not exempt from testing requirements may negatively impact a school district or campus's performance rating during the period of time in which the student is developing the student's language skills and content area knowledge. The purpose of C.S.H.B. 66 is to prevent such an impact on a school district or campus's performance rating, while still allowing a campus to monitor student performance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 66 amends the Education Code to prohibit the commissioner of education, in evaluating school district and campus performance on student achievement factors, from lowering a performance rating under the public school accountability system based on unsatisfactory performance on certain statewide standardized tests administered to a student for a period of two years after the student's initial enrollment in a school in the United States if the student is a student of limited English proficiency and if the test administered is not in the student's native language. The bill does not apply to a performance rating for purposes of compliance monitoring by the Texas Education Agency or public school accountability under federal law. The bill includes among the information required to be included in each campus's report card the performance of students of limited English proficiency on statewide standardized tests and end-of-course tests. The bill applies to a student regardless of the date on which the student initially enrolled in a school in the United States.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 66 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

(d-2) Except as provided by Subsection (d-3), in evaluating performance under Subsection (c), the commissioner may not lower a performance rating for purposes of this chapter based on unsatisfactory performance on an assessment instrument administered under Section 39.023(a), (b), (c), (l), or (n) to a student for a period of three years after the student's initial enrollment in a school in the United States if the student is a student of limited English proficiency, as defined by Section 29.052. Unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for purposes of this subsection.

This subsection does not apply to a performance rating for purposes of:

(1) compliance monitoring under Section 7.028; or

(2) public school accountability under federal law.

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

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

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

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

This subsection does not apply to a performance rating for purposes of:

(1) compliance monitoring under Section 7.028; or

(2) public school accountability under federal law.

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

SECTION 2. Section 39.305(b), Education Code, is amended to read as follows:

(b) The report card shall include the following information:

(1) where applicable, the student achievement indicators described by Section 39.053(c) and the reporting indicators described by Sections 39.301(c)(1) through (5);

(2) average class size by grade level and subject;

(3) the administrative and instructional costs per student, computed in a manner

consistent with Section 44.0071; ~~and~~
(4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071, and the statewide average of those ratios, as determined by the commissioner; and
(5) the performance of students of limited English proficiency, as defined by Section 29.052, on assessment instruments administered under Section 39.023.

SECTION 2. Section 39.054(d-2), Education Code, as added by this Act, applies to a student regardless of the date on which the student initially enrolled in a school in the United States.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.