

## **BILL ANALYSIS**

Senate Research Center  
83R23595 CAS-D

C.S.S.B. 377  
By: Lucio; Rodríguez  
Education  
4/24/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

English language learners (ELLs) face numerous challenges in Texas public schools. In many cases, they have limited schooling prior to enrolling in United States schools, they have insufficient content area knowledge in English and/or Spanish, and they have significant deficiencies in reading and writing skills. Because of these challenges, it is difficult for ELLs to learn English as a second language while simultaneously mastering core content taught in a language they do not understand. These difficulties are most pronounced when ELLs are expected to perform on state-mandated high-stakes tests.

C.S.S.B. 377 amends current law relating to the determination of certain exemptions from the administration of state assessment instruments to public school students and to the consideration of the performance of certain students on state assessment instruments.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.027, Education Code, by adding Subsection (a-2), to prohibit a student, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, from being considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Subsection (a)(1) (relating to authorizing a certain student to be administered an accommodated or alternative assessment instrument or to be granted an exemption from or a postponement of the administration of an assessment instrument under certain subsections for a period of up to one year after initial enrollment in a school in the United States), (2) (relating to authorizing a certain student to be administered an accommodated or alternative assessment instrument or granted an exemption from or a postponement of the administration of an assessment instrument under certain sections for a period of up to two years), or (3) (relating to authorizing a certain student to be administered an accommodated or alternative assessment instrument or to be granted an exemption from or a postponement of the administration of an assessment instrument under certain sections for a period of up to four years).

SECTION 2. Amends Section 39.054, Education Code, by adding Subsections (d-2) and (d-3), as follows:

(d-2) Prohibits the commissioner of education (commissioner), except as provided by Subsection (d-3), in evaluating performance under Subsection (c) (relating to the commissioner's evaluation of school districts and campus performance on certain student achievement indicators), to lower a performance rating for purposes of this chapter based on unsatisfactory performance on an assessment instrument administered under Section 39.023(a) (relating to the Texas Education Agency's (TEA) adoption or development of appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in certain academic areas), (b) (relating to TEA's adoption or development of appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program), (c) (relating to TEA's

adoption of end-of-course assessment instruments for secondary courses), (1) (relating to the State Board of Education adopting rules for the administration of certain assessment instruments in Spanish), or (n) (relating to TEA's adoption or development of appropriate criterion-referenced assessment instruments for a student who has been determined to have dyslexia or a related disorder and who is an individual with a disability) 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 (Definitions). Prohibits a student, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, from being considered to be enrolled in a school in the United States for that year for purposes of this subsection. Provides that this subsection does not apply to a performance rating for purposes of:

(1) compliance monitoring under Section 7.028 (Limitation on Compliance Monitoring); or

(2) public school accountability under federal law.

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

SECTION 3. Effective date: September 1, 2013.