

- SUBJECT:** Exempting recent immigrant students from testing requirements
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 11 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff, J. Rodriguez, Villarreal
- 0 nays
- WITNESSES:** For — Mike Motheral, Texas Association of School Administrators; Texas Association of School Boards, Texas Elementary Principals and Supervisors Association; Michael Zolkoski, Ysleta ISD; (*Registered, but did not testify*: David D. Anderson, Arlington ISD Board of Trustees; Portia Bosse, Texas State Teachers Association; Harley Eckhart; Texas Elementary Principals and Supervisors Association; Janna Lilly, Texas Council of Administrators of Special Education; Ken McCraw, Texas Association of Community Schools; Ted Melina Raab, Texas AFT; Armando Rodriguez, Canutillo ISD; Jesse Romero, Texas Association for Bilingual Education; Stewart Snider, League of Women Voters of Texas; Mark Terry; Maria Whitsett, Texas School Alliance)
- Against — None
- On — David Anderson, Texas Education Agency; (*Registered, but did not testify*: Shannon Housson, Texas Education Agency)
- BACKGROUND:** Education Code, sec. 39.027 allows a student of limited English proficiency to be exempted from the administration of State of Texas Assessments of Academic Readiness (STAAR) for a period of up to one year after initial enrollment in a school in the United States. The law does not specify the length of time for a student's enrollment to count as a school year.
- DIGEST:** CSHB 2004 would require that a student be enrolled in a U.S. school for a minimum of 60 consecutive days for that year to count toward a school year of enrollment when determining whether a student could be exempted from state-mandated testing.

The bill would prohibit the education commissioner from lowering a district or campus performance rating based on unsatisfactory test performance by a student with limited English proficiency for two years after the student's enrollment in a U.S. school.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

Recently immigrated students and students of limited English proficiency (LEP) face considerable challenges in learning the English language while simultaneously mastering their coursework.

CSHB 2004 would ensure these students had the necessary time to learn English before they were required to take a state assessment. The bill would prohibit the consideration of a school year if the student was enrolled in a U.S. school for a period of less than 60 consecutive days to ensure the one-year exemption period was achieved.

Circumstances may require students to leave school after a few weeks to travel with their families to Mexico. This could mean they lose their STAAR exemption if they return to a U.S. school the following year.

Low test scores of newly immigrated students with limited English proficiency on state tests unfairly affect the performance ratings of districts serving large numbers of these students. The bill would exempt these student's scores on state assessments for two years.

English language learners require additional attention and resources and districts should not be penalized for serving this unique population.

In the 2012-13 school year, there were 864,682 LEP students, including 54,556 or 17 percent classified as immigrants within the previous three years.

Research has shown that students in bilingual and English as a second language programs require four to seven years to achieve grade-level academic performance in English.

**OPPONENTS
SAY:**

CSHB 2004 would give school districts a break from having test scores of immigrant students impact accountability ratings, but it does little to help students stay in school and learn English.

Defining a school year as 60 days for purposes of the STAAR exemption could be an incentive for some students to leave school shortly before the 60 days is up. Every additional day LEP students spend in school improves their opportunities to learn English and master their courses.