

## **BILL ANALYSIS**

Senate Research Center

S.B. 676  
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Education  
2/23/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, students of limited English proficiency and who have a primary language other than Spanish or was a recent unschooled immigrant enrolled for less than one year, are exempted from Texas Assessment of Academic Skills (TAAS) testing for one year. As proposed, S.B. 676 amends Section 39.023, Education Code, by exempting unschooled immigrants who do not demonstrate proficiency in English from TAAS testing for up to three years. S.B. 676 additionally requires the Texas Education Agency (TEA) to develop procedures under which the language proficiency assessment committee determines which students are exempt from TAAS and to ensure that students are tested at the earliest practical date.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 39.023, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, by amending Subsection (1) and adding Subsection (m), to require the State Board of Education to adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through six who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(3) or (4). Authorizes, rather than requires, each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, to be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). Requires the commissioner of education (commissioner) by rule to develop procedures under which the language proficiency assessment committee established under Section 29.063 is required to determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(3) and (4). Requires the rules adopted under this subsection to ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date. Makes a conforming change.

SECTION 2. Amends Subsections (a) and (e), Section 39.027, Education Code, to authorize a student to be exempted from the administration of an assessment instrument under Section 39.023(a) for a period of up to one year after initial enrollment in a school in the United States if the student is of limited English proficiency, as defined by Section 29.052, and has not demonstrated proficiency in English as determined by the assessment system under Subsection (e). Deletes text regarding primary language other than Spanish. Provides that Section 39.023(a) for a period of up to two years in addition to the exemption period authorized by Subsection (3) if the student has received an exemption under Subdivision (3) and is a recent unschooled immigrant as defined by the commissioner by rule; or is in a grade for which no assessment instrument in the primary language of the student is available. Deletes text regarding a recent unschooled immigrants. Requires a student who is exempt from the administration of an assessment instrument under Subsections (a)(3) or (4) or Section 39.023(1) who

receives reading proficiency in English as determined by the assessment system developed under this subsection to be administered the assessment instruments described by Sections 39.023(a) and (c). Requires the performance under the assessment system developed under this subsection of students to whom Subsection (a)(3) or (4) applies to be included in the academic excellence indicator system under Section 39.051, the performance report under Section 39.053, and the comprehensive biennial report under Section 39.182.

SECTION 3. Amends Subsection (b), Section 39.051, Education Code, as amended by Chapters 396, 397, and 1422, Acts of the 76th Legislature, Regular Session, 1999, to require the indicators to be based on information that is disaggregated with respect to race, ethnicity, sex, and socioeconomic status and is required to include the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(3) and (4). Deletes text regarding any other indicator the State Board of Education adopts.

SECTION 4. Effective date: upon passage or September 1, 2001. Provides that this Act applies beginning with the 2001-2002 school year.