

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 3675  
By: Garcia (Bivins)  
Education  
5/14/1999  
Committee Report (Substituted)

### **DIGEST**

Students of limited English proficiency who enroll in public schools are often instructed in English for one or more years due to a shortage of bilingual education teachers. Current law does not provide an assessment system to evaluate the academic progress of these students. H.B. 3675 would provide an assessment system to evaluate the academic progress of bilingual students who are being instructed in English and requires that the performance assessment of the specified students be included in the academic excellence indicator system, the campus report card, and a performance report. C.S.H.B. 3675 also repeals Section 7.055(a)(33), Education Code, relating to the requirement that the commissioner of education develop and propose to the legislature as specified assessment system.

### **PURPOSE**

As proposed, C.S.H.B. 3675 establishes an assessment system to evaluate the academic progress of bilingual students who are being instructed in English.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the State Board of Education in SECTION 1 and 2 (Section 39.023(l) and Section 39.027(d)(3), Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, by amending Subsections (a) and (e) and adding Subsections (l) and (m), to add language to require the Texas Education Agency (TEA) to develop appropriate specified criterion-referenced assessment instruments. Includes Subsection (l) among the exemptions from this subsection. Includes the assessment instrument under Subsection (l) among the assessment instruments for which TEA is required to release the questions and answer keys. Requires the State Board of Education (board) to adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students of limited English proficiency, as defined by Section 29.052 (Definitions), and whose primary language is Spanish. Requires each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) (relating to special educational program for students with disabilities) applies, to be assessed using assessment instruments in Spanish under this subsection or assessment instruments in English under Subsection (a). Requires the language proficiency assessment committee to determine which students are administered assessment instruments in Spanish under this subsection.

SECTION 2. Amends Section 39.024(b), Education Code, to provide that an intensive program under Section 39.023(a), (c), or (l) is to be designed to enable the students under this section to attain a standard of annual growth specified by TEA.

SECTION 3. Amends Section 39.027, Education Code, by amending Subsections (a) and (e) and adding Subsection (f), to add language to provide that a student may be exempted from the administration of an assessment instrument under Section 39.023(a) (Adoption and Administration of Instruments) if the student has a primary language other than Spanish or is a recent unschooled immigrant as defined by board rule. Requires the commissioner of education (commissioner) to develop an assessment system to be used for evaluating the academic progress, including reading proficiency in English, of students of limited English proficiency. Requires the performance under an assessment system under this subsection of students to whom Subsection (a)(3) applies, to be included in the academic excellence indicator system under Section 39.051 (Academic Excellence Indicators), the campus report card under Section 39.052 (Campus Report Card), and the performance report under Section 39.053 (Performance Report).

SECTION 4. Amends Section 39.051(b), Education Code, to include Section 39.023(1) among the results of assessment instruments that must be included in the academic performance indicator.

SECTION 5. Repealer: Section 7.055(b)(33), Education Code (relating to the requirement that the commissioner develop and propose to the legislature a specified assessment system).

SECTION 6. Requires the board to administer assessment instruments in accordance with rules adopted under Section 39.023(1), Education Code, for students in grades three through six not later than the 1999-2000 school year; and grades seven and eight not later than the 2002-2003 school year. Requires the performance of students under an assessment instrument prescribed under Section 39.023(1), Education Code, to be included in the accountability system as provided by Section 39.051(b), Education Code, for students in grades three through six not later than the 1999-2000 school year, and grades seven and eight not later than the 2003-2004 school year. Provides that Section 39.027(a)(3), Education Code, applies to students in grades three through six beginning with the 1999-2000 school year, and grades seven and eight beginning with the 2002-2003 school year.

SECTION 7. Emergency clause.  
Effective date: upon passage.