

- SUBJECT:** Exempting recent immigrant students from accountability requirements
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 10 ayes — Aycoc, Allen, Bohac, Deshotel, Farney, Galindo, González, Huberty, K. King, VanDeaver
- 0 nays
- 1 absent — Dutton
- WITNESSES:** For — Rogelio Guzman, Del Valle ISD; Sheila Guzman, Elgin ISD; Jesse Romero, Texas Association for Bilingual Education (TABE); Ruth Vail; (*Registered, but did not testify:* David Anderson, Arlington ISD Board of Trustees; Traci Berry, Goodwill Central Texas; Ted Melina Raab, Texas AFT (American Federation of Teachers); Barry Haenisch, Texas Association of Community Schools; Lori Henning, Texas Association of Goodwills; Amy Beneski, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Lindsay Gustafson, Texas Classroom Teachers Association; Kirsten Hund, Texas Elementary Principals and Supervisors Association (TEPSA); Ellen Arnold, Texas PTA; Colby Nichols, Texas Rural Education Association; Maria Whitsett, Texas School Alliance; Portia Bosse, Texas State Teachers Association; William Exter, The Association of Texas Professional Educators; and Julie Cowan)
- Against — David Hinojosa, MALDEF
- On — Nelson Salinas, Texas Association of Business; Von Byer, Texas Education Agency
- BACKGROUND:** Student scores on the State of Texas Assessments of Academic Readiness (STAAR) are considered in rating schools and campuses under the state accountability system. Education Code, sec. 39.054 directs the education commissioner to adopt rules to evaluate districts using letter grades to reflect acceptable or unacceptable performance. Campuses are to be

assigned ratings of exemplary, recognized, acceptable, or unacceptable.

Education Code, sec. 39.027 allows a student of limited English proficiency to be exempted from the administration of STAAR exams for a period of up to one year after initial enrollment in a school in the United States and for additional years for certain unschooled immigrants, asylees or refugees.

Spanish language versions of STAAR exams are available for students in grades 3 through 5. Linguistically accommodated English versions of STAAR are available for grades 3-8 and certain high school end-of-course exams.

**DIGEST:**

CSHB 66 would prohibit the commissioner of education from lowering a district or campus performance rating based on the unsatisfactory performance on a STAAR exam by a student of limited English proficiency for a period of up to two years after the student's initial enrollment in a school in the United States.

The prohibition would not apply to a performance rating for purposes of compliance monitoring by the Texas Education Agency (TEA) or public school accountability under federal law. It also would not apply if the assessment instrument administered was in the student's native language.

The STAAR scores of students with limited English proficiency would be required to be included in annual campus report cards prepared by TEA and distributed to districts.

The bill would take effect September 1, 2015 and would apply to a student regardless of the date the students initially enrolled in a school in the United States.

**SUPPORTERS  
SAY:**

CSHB 66 would ensure that districts and campuses were not unfairly penalized while working to educate students who are still learning the English language. Texas schools, especially those along the border with Mexico, are experiencing an influx of students who are English language

learners. Some of these students are high school age but have not been in a classroom since elementary school. Although current law exempts such students from STAAR exams during their first year in a U.S. school, after that the exam results may be factored into campus and district accountability ratings.

It can take newly immigrated students up to five years to achieve oral proficiency in English and up to seven years to achieve academic proficiency. These students may be from many different countries and speak many different languages. CSHB 66 would give these students two years before their performance on standardized tests could be used to evaluate the schools they attend for state accountability purposes. This two-year window would give schools time to help newly arrived immigrant students build English proficiency, master academic content, and prepare for state assessments. At that point, their STAAR scores would be a better reflection of their true academic ability.

Test scores for English language learners would be reported on campus report cards during the two-year period they were exempted from the accountability system. This could alleviate concerns that schools would ignore recent immigrant students if they were not being held accountable for their STAAR scores.

**OPPONENTS  
SAY:**

CSHB 66 would create an unwelcome disconnect between the accountability system and student testing. School districts and campuses would get a pass while immigrant students would continue to be impacted by the high stakes attached to STAAR exams. For example, students in grades 5 and 8 still would be required to pass STAAR tests as a condition of being promoted automatically to the next grade.

The accountability system serves as a strong impetus to ensure that schools do their best to educate all students. If schools do not feel the pressure to help immigrant students succeed, there could be negative consequences for both students and the state.