

By: Zaffirini

S.B. No. 36

A BILL TO BE ENTITLED

1 AN ACT

2 relating to monitoring compliance of public school bilingual  
3 education and special language programs.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 7.027(a), Education Code, as added by  
6 H.B. No. 3459, Acts of the 78th Legislature, Regular Session, 2003,  
7 is amended to read as follows:

8 (a) Except as provided by Section 29.001(5), 29.010(a),  
9 29.062, 39.074, or 39.075, the agency may monitor compliance with  
10 requirements applicable to a process or program provided by a  
11 school district, campus, program, or school granted charters under  
12 Chapter 12, including the process described by Subchapter F,  
13 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or  
14 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the  
15 use of funds provided for such a program under Subchapter C, Chapter  
16 42, only as necessary to ensure:

17 (1) compliance with federal law and regulations;

18 (2) financial accountability, including compliance  
19 with grant requirements; and

20 (3) data integrity for purposes of:

21 (A) the Public Education Information Management  
22 System (PEIMS); and

23 (B) accountability under Chapter 39.

24 SECTION 2. Section 29.062, Education Code, as amended by

1 H.B. No. 3459, Acts of the 78th Legislature, Regular Session, 2003,  
2 is amended by amending Subsections (a), (b), and (e) and adding  
3 Subsections (a-1) and (b-1) to read as follows:

4 (a) The legislature recognizes that compliance with this  
5 subchapter is an imperative public necessity. Therefore, in  
6 accordance with the policy of the state, the agency shall monitor  
7 compliance with all applicable state laws and rules by inspecting  
8 each school district and open-enrollment charter school on-site at  
9 least every five years [~~evaluate the effectiveness of programs~~  
10 ~~under this subchapter based on the academic excellence indicators~~  
11 ~~adopted under Section 39.051(a), including the results of~~  
12 ~~assessment instruments~~]. The agency may combine the inspection of  
13 a district [~~evaluations~~] under this section with the inspection of  
14 the district's special education program under Section 29.010  
15 [~~federal accountability measures concerning students of limited~~  
16 ~~English proficiency~~].

17 (a-1) An on-site monitoring inspection under this section  
18 must include:

19 (1) review of each bilingual education and special  
20 language program performance indicator adopted by the agency;

21 (2) consideration of campus-based quality points or  
22 similar measures of program achievement; and

23 (3) a parent roundtable discussion or similar process  
24 to involve the parents of students enrolled in a program.

25 (b) The areas to be monitored in an on-site inspection must  
26 [~~shall~~] include:

27 (1) program content and design;

- 1 (2) program coverage;
- 2 (3) identification procedures;
- 3 (4) classification procedures;
- 4 (5) staffing;
- 5 (6) learning materials;
- 6 (7) testing materials;
- 7 (8) reclassification of students for either entry into
- 8 regular classes conducted exclusively in English or reentry into a
- 9 bilingual education or special education program; ~~and~~
- 10 (9) activities of the language proficiency assessment
- 11 committees; and
- 12 (10) program evaluation methods.

13 (b-1) The commissioner shall electronically conduct a  
14 risk-based analysis of school district and open-enrollment charter  
15 school compliance with all applicable state laws and rules relating  
16 to bilingual education and special language programs. The  
17 commissioner shall also develop a system and standards for review  
18 of the analysis or use systems already available at the agency. The  
19 analysis must be designed to identify districts and schools that  
20 are at high risk of noncompliance and, as a result, require on-site  
21 monitoring of bilingual education or special language programs. If  
22 the risk-based analysis indicates that a district or school is at  
23 high risk of noncompliance, the district or school is entitled to an  
24 opportunity to respond to the commissioner's determination before  
25 on-site monitoring may be conducted. The district or school must  
26 respond not later than the 30th day after the date the commissioner  
27 notifies the district or school of the commissioner's

1 determination. If the district's or school's response does not  
2 change the commissioner's determination that the district or school  
3 is at high risk of noncompliance or if the district or school does  
4 not respond in a timely manner, the commissioner shall order agency  
5 staff to conduct on-site monitoring of the district or school. The  
6 commissioner is not required to include in the analysis under this  
7 subsection an analysis of each area described by Subsection (b). In  
8 determining whether a district or school is at high risk of  
9 noncompliance, the commissioner shall consider:

10 (1) excessive parental complaints of noncompliance;

11 and

12 (2) frequent district or school requests for waivers  
13 of program requirements.

14 (e) If a school district or open-enrollment charter school  
15 fails or refuses to comply after proper notification [~~satisfy~~  
16 ~~appropriate standards adopted by the commissioner for purposes of~~  
17 ~~Subsection (a)~~], the agency shall apply sanctions, which may  
18 include the removal of accreditation, loss of foundation school  
19 funds, or both.

20 SECTION 3. This Act applies beginning with the 2003-2004  
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect on the 91st day after the last day of the  
27 legislative session.