

Amend CSSB 1952 in PART 9 of the bill, immediately preceding PART 10 (House Committee Report, page 229, between lines 26 and 27), by inserting the following appropriately numbered new ARTICLE:

ARTICLE _____. COMPLIANCE OF PUBLIC SCHOOL BILINGUAL EDUCATION AND
SPECIAL LANGUAGE PROGRAMS

SECTION _____. (a) Section 29.062, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall monitor compliance with all applicable state laws and rules by inspecting each school district and open-enrollment charter school on-site at least every five [~~three~~] years. The agency may combine the inspection of a district under this section with the inspection of the district's special education program under Section 29.010.

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

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

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

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

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

(1) program content and design;

(2) program coverage

(3) identification procedures;

(4) classification procedures;

(5) staffing;

(6) learning materials;

(7) testing materials;

(8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; [~~and~~]

(9) activities of the language proficiency assessment

committees; and

(10) program evaluation methods.

(b-1) The commissioner shall electronically conduct a risk-based analysis of school district and open-enrollment charter school compliance with all applicable state laws and rules relating to bilingual education and special language programs. The commissioner shall also develop a system and standards for review of the analysis or use systems already available at the agency. The analysis must be designed to identify districts and schools that are at high risk of noncompliance and, as a result, require on-site monitoring of bilingual education or special language programs. If the risk-based analysis indicates that a district or school is at high risk of noncompliance, the district or school is entitled to an opportunity to respond to the commissioner's determination before on-site monitoring may be conducted. The district or school must respond not later than the 30th day after the date the commissioner notifies the district or school of the commissioner's determination. If the district's or school's response does not change the commissioner's determination that the district or school is at high risk of noncompliance or if the district or school does not respond in a timely manner, the commissioner shall order agency staff to conduct on-site monitoring of the district or school. The commissioner is not required to include in the analysis under this subsection an analysis of each area described by Subsection (b). In determining whether a district or school is at high risk of noncompliance, the commissioner shall consider:

(1) excessive parental complaints of noncompliance;

and

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

(b) Subsection (a) of this section applies beginning with the 2004-2005 school year.