

By: Zaffirini

S.B. No. 1510

A BILL TO BE ENTITLED

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AN ACT

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

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

SECTION 1. 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

1 ~~shall~~ include:

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

15 (b-1) The commissioner shall electronically conduct a  
16 risk-based analysis of school district and open-enrollment charter  
17 school compliance with all applicable state laws and rules relating  
18 to bilingual education and special language programs. The  
19 commissioner shall also develop a system and standards for review  
20 of the analysis or use systems already available at the agency. The  
21 analysis must be designed to identify districts and schools that  
22 are at high risk of noncompliance and, as a result, require on-site  
23 monitoring of bilingual education or special language programs. If  
24 the risk-based analysis indicates that a district or school is at  
25 high risk of noncompliance, the district or school is entitled to an  
26 opportunity to respond to the commissioner's determination before  
27 on-site monitoring may be conducted. The district or school must

1 respond not later than the 30th day after the date the commissioner  
2 notifies the district or school of the commissioner's  
3 determination. If the district's or school's response does not  
4 change the commissioner's determination that the district or school  
5 is at high risk of noncompliance or if the district or school does  
6 not respond in a timely manner, the commissioner shall order agency  
7 staff to conduct on-site monitoring of the district or school. The  
8 commissioner is not required to include in the analysis under this  
9 subsection an analysis of each area described by Subsection (b). In  
10 determining whether a district or school is at high risk of  
11 noncompliance, the commissioner shall consider:

- 12 (1) excessive parental complaints of noncompliance;  
13 and  
14 (2) frequent district or school requests for waivers  
15 of program requirements.

16 SECTION 2. This Act applies beginning with the 2004-2005  
17 school year.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2003.