

1-1 By: Zaffirini S.B. No. 1510
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Education; April 10, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 10, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1510 By: Zaffirini

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to monitoring compliance of public school bilingual
1-10 education and special language programs.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 29.062, Education Code, is amended by
1-13 amending Subsections (a) and (b) and adding Subsections (a-1) and
1-14 (b-1) to read as follows:

1-15 (a) The legislature recognizes that compliance with this
1-16 subchapter is an imperative public necessity. Therefore, in
1-17 accordance with the policy of the state, the agency shall monitor
1-18 compliance with all applicable state laws and rules by inspecting
1-19 each school district and open-enrollment charter school on-site at
1-20 least every five [three] years. The agency may combine the
1-21 inspection of a district under this section with the inspection of
1-22 the district's special education program under Section 29.010.

1-23 (a-1) An on-site monitoring inspection under this section
1-24 must include:

1-25 (1) review of each bilingual education and special
1-26 language program performance indicator adopted by the agency;

1-27 (2) consideration of campus-based quality points or
1-28 similar measures of program achievement; and

1-29 (3) a parent roundtable discussion or similar process
1-30 to involve the parents of students enrolled in a program.

1-31 (b) The areas to be monitored in an on-site inspection must
1-32 [shall] include:

1-33 (1) program content and design;

1-34 (2) program coverage;

1-35 (3) identification procedures;

1-36 (4) classification procedures;

1-37 (5) staffing;

1-38 (6) learning materials;

1-39 (7) testing materials;

1-40 (8) reclassification of students for either entry into
1-41 regular classes conducted exclusively in English or reentry into a
1-42 bilingual education or special education program; ~~and~~

1-43 (9) activities of the language proficiency assessment
1-44 committees; and

1-45 (10) program evaluation methods.

1-46 (b-1) The commissioner shall electronically conduct a
1-47 risk-based analysis of school district and open-enrollment charter
1-48 school compliance with all applicable state laws and rules relating
1-49 to bilingual education and special language programs. The
1-50 commissioner shall also develop a system and standards for review
1-51 of the analysis or use systems already available at the agency. The
1-52 analysis must be designed to identify districts and schools that
1-53 are at high risk of noncompliance and, as a result, require on-site
1-54 monitoring of bilingual education or special language programs. If
1-55 the risk-based analysis indicates that a district or school is at
1-56 high risk of noncompliance, the district or school is entitled to an
1-57 opportunity to respond to the commissioner's determination before
1-58 on-site monitoring may be conducted. The district or school must
1-59 respond not later than the 30th day after the date the commissioner
1-60 notifies the district or school of the commissioner's
1-61 determination. If the district's or school's response does not
1-62 change the commissioner's determination that the district or school
1-63 is at high risk of noncompliance or if the district or school does

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

- 2-7 (1) excessive parental complaints of noncompliance;
- 2-8 and
- 2-9 (2) frequent district or school requests for waivers
2-10 of program requirements.

2-11 SECTION 2. This Act applies beginning with the 2004-2005
2-12 school year.

2-13 SECTION 3. This Act takes effect immediately if it receives
2-14 a vote of two-thirds of all the members elected to each house, as
2-15 provided by Section 39, Article III, Texas Constitution. If this
2-16 Act does not receive the vote necessary for immediate effect, this
2-17 Act takes effect September 1, 2003.

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