

Amend CSHB 1 (Senate committee report) as follows:

(1) In ARTICLE 3 of the bill (page 21, between lines 12 and 13), add the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION 3.__. Section 29.056(g), Education Code, is amended to read as follows:

(g) A district may transfer a student of limited English proficiency out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

(1) agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in [~~both the student's primary language and~~ English;

(2) satisfactory performance on the reading assessment instrument under Section 39.023(a) or an English language arts assessment instrument under Section 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3) agency-approved [~~other indications of a student's overall progress, including~~] criterion-referenced tests and the results of a [~~test scores,~~] subjective teacher evaluation[~~, and parental evaluation~~].

SECTION 3.____. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.0561 to read as follows:

Sec. 29.0561. EVALUATION OF TRANSFERRED STUDENTS; REENROLLMENT. (a) The language proficiency assessment committee shall reevaluate a student who is transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 28.002(a)(1) during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

(b) During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall review the student's performance and consider:

(1) the total amount of time the student was enrolled in a bilingual education or special language program;

(2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);

(3) the student's performance on each assessment instrument administered under Section 39.023(a) or (c);

(4) the number of credits the student has earned toward high school graduation, if applicable; and

(5) any disciplinary actions taken against the student under Subchapter A, Chapter 37.

(c) After an evaluation under this section, the language proficiency assessment committee may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

(2) In SECTION 3.07 of the bill, in added Section 39.034, Education Code (page 21, between lines 32 and 33), insert a new Subsection (b) to read as follows and reletter subsequent

subsections accordingly:

(b) For students of limited English proficiency, as defined by Section 29.052, the agency shall use a student's performance data on reading proficiency assessment instruments in English and one other language to calculate the student's progress toward dual language proficiency.

(3) In SECTION 3.07 of the bill, in added Section 39.034(e), Education Code (page 21, line 55), strike "(d)" and substitute "(e)".

(4) In SECTION 3.08 of the bill, in amended Section 39.051(b)(12), Education Code (page 22, line 51), strike "and".

(5) In SECTION 3.08 of the bill, in amended Section 39.051(b), Education Code, (page 22, line 53), between "success" and the period, insert the following:

; and

(14) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052

(6) In SECTION 3.21(a) of the bill (page 32, line 16), between "concerning" and "the" insert the following:

:

(1)

(7) In SECTION 3.21(a) of the bill (page 32, line 19), between "Act" and the period insert the following:

; and

(2) the measure of progress toward dual language proficiency for purposes of Section 39.051(b)(14), Education Code, as added by this Act

(8) In SECTION 3.21(b) of the bill (page 32, line 23), strike "Code," and substitute the following:

Code:

(1)

(9) In SECTION 3.21(b) of the bill (page 32, line 25), between "Act" and the period insert the following:

; and

(2) the measure of progress toward dual language proficiency under Section 39.051(b)(14), Education Code, as added

by this Act

(10) In SECTION 3.21 of the bill (page 32, between lines 25 and 26), insert the following:

(c) The Texas Education Agency may implement Subsection (b)(2) of this section only if, during the most recent school year, school districts are entitled to an allotment for each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, Education Code, that exceeds the amount of that allotment for the 2005-2006 school year.

(11) In ARTICLE 3 of the bill (page 32, between lines 57 and 58) insert the following:

SECTION 3.22. Nothing in this Act shall be construed to require development of additional state assessments, nor to require a student in a dual language program to be assessed in more than one language on any individual assessment. The commissioner of education may adopt rules, consistent with Subchapter B, Chapter 29, Education Code, for determining the appropriate assessment of dual language students.

ZAFFIRINI

VAN DE PUTTE