

BILL ANALYSIS

C.S.S.B. 1871
By: Zaffirini
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas school districts, with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level, have the discretion to choose from a number of different instruction models to educate English language learners. These models include Early-exit Transitional, English as a Second Language Pull-out, One-way Dual Language Immersion, Two-way Dual Language Immersion, and Late-exit Transitional Bilingual Education. There is currently no system in place, however, that links bilingual education and special language program instruction models with student outcome data. As a result, districts and schools do not have the critical information they need to determine which models are working most effectively and to make the best decisions for their English language learners. This bill establishes a mechanism to address this issue.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 1 of this bill. Rulemaking authority previously granted to the Commissioner of Education is modified in SECTION 5 of the bill.

ANALYSIS

Note: Unless otherwise specified, statutory references in this BILL ANALYSIS are to the Education Code.

The bill relates to the compilation and reporting by the Texas Education Agency of certain student data disaggregated by the instruction method used.

The bill provides that a school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report: demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs; the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction. The Commissioner of Education (commissioner) shall adopt rules to classify such programs as follows: if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school; (B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; (C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or (D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school. The bill provides that if the program is a special language program,

the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or (B) English as a second language/pull-out: an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas. The bill provides that if the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

The bill provides that information under the assessment system developed by the commissioner under Section 39.027(e) shall be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

The bill amends Section 39.051 by adding Subsection (b-1) to read as follows:

(b-1) Performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), and (14) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

The bill amends an existing provision of law to add a requirement that provides that the comprehensive report covering the preceding school year prepared and delivered by the Texas Education Agency (agency), not later than December 1 of each year, to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system must contain a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model, if any. The bill provides that in reporting the information required by Subsections (a)(3), (5), and (7) of Section 39.182, the agency shall separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.

The bill makes a conforming change to Section 42.006(c) by providing that in reviewing and revising the Public Education Information Management System, the commissioner shall develop rules to ensure that the system does not contain any information related to instructional methods, except as provided by Section 29.066 or required by federal law.

The bill provides that the changes in law made by this Act apply beginning with the 2008-2009 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

With few exceptions, the changes from the original to the substitute involved new language that was added in the substitute. There also were some minor changes in terminology and other nonsubstantive changes between the original and the substitute.

The substitute added a provision that a school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report: the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction.

The original provided that if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) transitional bilingual/early exit; (B) transitional bilingual/late exit; (C) dual language immersion/two-way; or (D) dual language immersion/one-way. The original further provided that if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) English as a second language/self-contained; or (B) English as a second language/pull-out.

The substitute significantly expanded upon the provisions in the original bill, by providing that if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school; (B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; (C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or (D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school. The substitute further provides that if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as: (A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or (B) English as a second language/pull-out: an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas. The substitute also adds a provision that, if the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

The original amended Section 39.051, Education Code, by adding Subsection (b-1) to read as follows: (b-1) Performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), (11), and (14) must be based on information that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. The substitute amends Section 39.051, Education Code, by adding Subsection (b-1) to read as follows: (b-1) Performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), and (14) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

The original amends an existing provision of law to add a requirement that provides that the comprehensive report covering the preceding school year prepared and delivered by the Texas

Education Agency (agency), not later than December 1 of each year, to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system must contain a summary compilation of overall student performance under the assessment system developed to evaluate academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model. The original provided that in reporting the information required by Subsections (a)(3), (5), and (7) of Section 39.182, the agency shall separately aggregate the performance data of students enrolled in a bilingual education or special language program under Subchapter B, Chapter 29, disaggregated by bilingual education or special language program instructional model.

The substitute amends an existing provision of law to add a requirement that provides that the comprehensive report covering the preceding school year prepared and delivered by the Texas Education Agency (agency), not later than December 1 of each year, to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system must contain a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model, if any. The substitute provides that in reporting the information required by Subsections (a)(3), (5), and (7) of Section 39.182, the agency shall separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.