

By: Laubenberg

H.B. No. 1553

A BILL TO BE ENTITLED

1 AN ACT

2 relating to information provided to the parent of a public school
3 student concerning participation in a bilingual education or
4 special language program.

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

6 SECTION 1. Sections 29.056(a) and (d), Education Code, are
7 amended to read as follows:

8 (a) The agency shall establish standardized criteria for
9 the identification, assessment, and classification of students of
10 limited English proficiency eligible for entry into the program or
11 exit from the program. The student's parent must approve a
12 student's entry into the program, exit from the program, or
13 placement in the program. On a form adopted by the commissioner, a
14 school district must obtain the signature of a student's parent
15 indicating whether or not the parent consents to the student's
16 participation in the program. A parent must indicate whether or not
17 the parent consents to a student's participation in the program
18 each school year. The school district or parent may appeal a [the]
19 decision made under this subsection as provided by [under] Section
20 29.064. The criteria for identification, assessment, and
21 classification may include:

22 (1) results of a home language survey conducted within
23 four weeks of each student's enrollment to determine the language
24 normally used in the home and the language normally used by the

1 student, conducted in English and the home language, signed by the
2 student's parents if the student is in kindergarten through grade 8
3 or by the student if the student is in grades 9 through 12, and kept
4 in the student's permanent folder by the language proficiency
5 assessment committee;

6 (2) the results of an agency-approved English language
7 proficiency test administered to all students identified through
8 the home survey as normally speaking a language other than English
9 to determine the level of English language proficiency, with
10 students in kindergarten or grade 1 being administered an oral
11 English proficiency test and students in grades 2 through 12 being
12 administered an oral and written English proficiency test; and

13 (3) the results of an agency-approved proficiency test
14 in the primary language administered to all students identified
15 under Subdivision (2) as being of limited English proficiency to
16 determine the level of primary language proficiency, with students
17 in kindergarten or grade 1 being administered an oral primary
18 language proficiency test and students in grades 2 through 12 being
19 administered an oral and written primary language proficiency test.

20 (d) The [~~Not later than the 10th day after the date of the~~
21 ~~student's classification as a student of limited English~~
22 ~~proficiency, the~~] language proficiency assessment committee shall
23 give written notice of the classification to the student's parent.
24 Notice of a student's classification under this subsection and a
25 request for a parent's consent to place the student in a bilingual
26 education or special language program as required by Subsection
27 (a) may not be included with any other notification or request for

1 written consent provided to the parent. The notice must be in
2 English and the parent's primary language. Notification to a
3 student's parent must:

4 (1) be provided to the parent not later than the 14th
5 day before the date on which the student's participation in the
6 bilingual education or special language program is to begin;

7 (2) provide impartial information and state in an
8 objective manner the advantages and disadvantages of participation
9 in the program;

10 (3) be written in a manner that is easy to read and
11 understand;

12 (4) state that the school district may be eligible to
13 receive an increase in state funding if the student participates in
14 the program; and

15 (5) provide notice of the agency Internet website and
16 inform the parent that the website provides additional information
17 regarding participation in a bilingual education or special
18 language program. [~~The parents of students eligible to participate~~
19 ~~in the required bilingual education program shall be informed of~~
20 ~~the benefits of the bilingual education or special language program~~
21 ~~and that it is an integral part of the school program.]~~

22 SECTION 2. Subchapter B, Chapter 29, Education Code, is
23 amended by adding Section 29.065 to read as follows:

24 Sec. 29.065. AGENCY WEBSITE. The agency shall post, on the
25 Internet website maintained by the agency, information regarding
26 bilingual education and special language programs. The posting
27 must include:

1 (1) the form to be used by school districts to notify a
2 parent that a student qualifies for placement in a bilingual
3 education or special language program and to obtain the parent's
4 consent for the student's participation in the program;

5 (2) alternatives to placement in bilingual education
6 or special language programs; and

7 (3) information to assist parents in determining the
8 appropriateness of placing a student in a bilingual education or
9 special language program.

10 SECTION 3. This Act applies beginning with the 2007-2008
11 school year.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.