

By: Zedler

H.B. No. 3617

A BILL TO BE ENTITLED

AN ACT

relating to bilingual and special language programs in public schools.

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

SECTION 1. Section 29.053, Education Code, is amended to read as follows:

Sec. 29.053. ESTABLISHMENT OF BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS. (a) The agency shall establish a procedure for identifying school districts that are authorized [~~required~~] to offer bilingual education and special language programs in accordance with this subchapter.

(b) If a school district elects to offer bilingual and special language programs [~~Within the first four weeks following the first day of school~~], the language proficiency assessment committee established under Section 29.063 shall determine and report to the board of trustees of the district the number of students of limited English proficiency on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The board shall report that information to the agency before November 1 each year.

(c) Each district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level may [~~shall~~] offer a bilingual education or special language program.

1 (d) Each district that elects [~~is required~~] to offer
2 bilingual education and special language programs under this
3 section shall offer the following for students of limited English
4 proficiency:

5 (1) bilingual education in kindergarten through the
6 elementary grades;

7 (2) bilingual education, instruction in English as a
8 second language, or other transitional language instruction
9 approved by the agency in post-elementary grades through grade 8;
10 and

11 (3) instruction in English as a second language in
12 grades 9 through 12.

13 SECTION 2. Section 29.054(b), Education Code, is amended to
14 read as follows:

15 (b) An application for an exception may be filed with the
16 agency when a district is unable to hire a sufficient number of
17 teachers with teaching certificates appropriate for bilingual
18 education instruction to staff the district's [~~required~~] program.
19 The application must be accompanied by:

20 (1) documentation showing that the district has taken
21 all reasonable affirmative steps to secure teachers with teaching
22 certificates appropriate for bilingual education instruction and
23 has failed;

24 (2) documentation showing that the district has
25 affirmative hiring policies and procedures consistent with the need
26 to serve limited English proficiency students;

27 (3) documentation showing that, on the basis of

1 district records, no teacher having a teaching certificate
2 appropriate for bilingual instruction or emergency credentials has
3 been unjustifiably denied employment by the district within the
4 past 12 months; and

5 (4) a plan detailing specific measures to be used by
6 the district to eliminate the conditions that created the need for
7 an exception.

8 SECTION 3. Section 29.056(d), Education Code, is amended to
9 read as follows:

10 (d) Not later than the 10th day after the date of the
11 student's classification as a student of limited English
12 proficiency, the language proficiency assessment committee shall
13 give written notice of the classification to the student's parent.
14 The notice must be in English and the parent's primary language. The
15 parents of students eligible to participate in the [~~required~~]
16 bilingual education program shall be informed of the benefits of
17 the [~~bilingual education or special language~~] program and that it
18 is an integral part of the regular school program.

19 SECTION 4. Section 29.059(a), Education Code, is amended to
20 read as follows:

21 (a) A school district may join with one or more other
22 districts to provide the bilingual education and special language
23 programs authorized [~~required~~] by this subchapter. The
24 availability of the programs shall be publicized throughout the
25 districts involved.

26 SECTION 5. Section 29.060(a), Education Code, is amended to
27 read as follows:

1 (a) Each school district that elects [~~is required~~] to offer
2 a bilingual education or special language program may [~~shall~~] offer
3 a voluntary program for children of limited English proficiency who
4 will be eligible for admission to kindergarten or the first grade at
5 the beginning of the next school year. A school that operates on a
6 system permitted by this code other than a semester system shall, if
7 the district elects to offer a voluntary program under this
8 section, offer 120 hours of instruction on a schedule the board of
9 trustees of the district establishes. A school that operates on a
10 semester system shall, if the district elects to offer a voluntary
11 program under this section, offer the program:

12 (1) during the period school is recessed for the
13 summer; and

14 (2) for one-half day for eight weeks or on a similar
15 schedule approved by the board of trustees.

16 SECTION 6. Section 29.062(a), Education Code, is amended to
17 read as follows:

18 (a) The legislature recognizes that programs provided under
19 [~~compliance with~~] this subchapter address [~~is~~] an imperative public
20 necessity. Therefore, in accordance with the policy of the state,
21 the agency shall evaluate the effectiveness of programs under this
22 subchapter based on the academic excellence indicators adopted
23 under Section 39.051(a), including the results of assessment
24 instruments. The agency may combine evaluations under this section
25 with federal accountability measures concerning students of
26 limited English proficiency.

27 SECTION 7. Section 29.063(a), Education Code, is amended to

1 read as follows:

2 (a) Each school district that elects [~~is required~~] to offer
3 bilingual education and special language programs shall establish a
4 language proficiency assessment committee.

5 SECTION 8. Sections 29.058 and 29.060(e), Education Code,
6 are repealed.

7 SECTION 9. This Act applies beginning with the 2007-2008
8 school year.

9 SECTION 10. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2007.