

By: Zaffirini

S.B. No. 834

A BILL TO BE ENTITLED

AN ACT

relating to requirements for monitoring compliance of public school
bilingual education and special language programs.

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

SECTION 1. Section 29.062, Education Code, is amended by
amending Subsections (a) and (b) and adding Subsections (b-1),
(b-2), and (b-3) to read as follows:

(a) The legislature recognizes that compliance with this
subchapter is an imperative public necessity. Therefore, in
accordance with the policy of the state, the agency shall evaluate
the effectiveness of programs under this subchapter based on
performance on the applicable academic excellence indicators
adopted under Section 39.051(a), including the results of
assessment instruments, the results of the risk analysis described
by Subsection (b-1), and the results of an inspection under this
subsection or Subsection (b-2). The agency shall monitor
compliance with all applicable state laws and rules relating to
programs under this subchapter by conducting an on-site monitoring
inspection of each school district and open-enrollment charter
school at least once every five years. The agency may combine
inspections ~~[evaluations]~~ under this section with an inspection of
a district's special education program under Section 29.010 and an
evaluation of federal accountability measures concerning students
of limited English proficiency. The agency shall produce a report

1 of its findings relating to any inspection and risk analysis
2 conducted under this section.

3 (b) The areas to be monitored shall include:

- 4 (1) program content and design;
5 (2) program coverage;
6 (3) identification procedures;
7 (4) classification procedures;
8 (5) staffing;
9 (6) learning materials;
10 (7) testing materials;
11 (8) reclassification of students for either entry into
12 regular classes conducted exclusively in English or reentry into a
13 bilingual education or special education program; ~~and~~
14 (9) activities of the language proficiency assessment
15 committees; and
16 (10) program evaluation methods.

17 (b-1) The commissioner shall conduct an electronic annual
18 risk analysis of school district and open-enrollment charter school
19 compliance with all state laws and rules applicable to programs
20 under this subchapter. The agency shall develop a system,
21 including standards of review, for the analysis or may use a system
22 currently available to the agency. The system must enable the
23 commissioner to analyze performance on the academic indicators
24 adopted under Section 39.051(a), applicablity of indicators
25 described by this subsection, and the results of monitoring areas
26 described by Subsection (b). The commissioner shall conduct the
27 risk analysis at the district and campus level to identify any

1 district or campus that is at high risk for failing compliance and
2 that requires an on-site monitoring inspection of bilingual
3 education or special language programs. In determining whether a
4 district or campus is at high risk for failing compliance, the
5 commissioner shall consider:

6 (1) excessive parental complaints of noncompliance or
7 parental complaints that are substantial in nature;

8 (2) frequent district or campus requests for a waiver
9 exemption, or exception from program requirements;

10 (3) parental appeals at a rate greater than twice the
11 state average of the placement of a student in a program; and

12 (4) a variance of greater than 20 percent between the
13 percentage of students of limited English proficiency identified by
14 the district and the percentage of persons who speak a language
15 other than English at home according to the statistics of the most
16 recent federal decennial census in the county in which a majority of
17 the district's students reside.

18 (b-2) If a risk analysis under Subsection (b-1) indicates
19 that a district or campus is at high risk for failing compliance,
20 the district or campus is entitled to an opportunity to respond to
21 the commissioner's determination before an on-site monitoring
22 inspection is initiated. A response of the district or campus must
23 be submitted to the commissioner not later than the 30th day after
24 the date the commissioner notifies the district or campus of the
25 commissioner's determination. If the response of the district or
26 campus does not affect the commissioner's determination or if the
27 district or campus does not respond within the period prescribed by

1 this subsection, the commissioner shall order agency staff to
2 conduct an on-site monitoring inspection of the district or campus.

3 (b-3) In addition to evaluating the areas under Subsection
4 (b) and considering factors specified by Subsection (b-1), an
5 on-site monitoring inspection process conducted under Subsection
6 (a) or (b-2) must include:

7 (1) reviewing each bilingual education and special
8 language program performance indicator adopted by the agency as
9 required by law;

10 (2) evaluating campus-based measures of program
11 achievement; and

12 (3) conducting a parent roundtable discussion or
13 similar process to involve parents of students enrolled in a
14 program.

15 SECTION 2. This Act applies beginning with the 2007-2008
16 school year.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.