

AN ACT

relating to the compilation and reporting by the Texas Education Agency of certain data regarding students enrolled in public school or in preschool programs.

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

SECTION 1. Section 28.006, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The superintendent of each school district shall:

(1) report to the commissioner and the board of trustees of the district the results of the reading instruments; ~~and~~

(2) report, in writing, to a student's parent or guardian the student's results on the reading instrument; and

(3) using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the agency for use in the school readiness certification system.

(d-1) The agency shall contract with the State Center for Early Childhood Development to receive and use scores under Subsection (d)(3) on behalf of the agency.

SECTION 2. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.066 to read as follows:

1 Sec. 29.066. PEIMS REPORTING REQUIREMENTS. (a) A school
2 district that is required to offer bilingual education or special
3 language programs shall include the following information in the
4 district's Public Education Information Management System (PEIMS)
5 report:

6 (1) demographic information, as determined by the
7 commissioner, on students enrolled in district bilingual education
8 or special language programs;

9 (2) the number and percentage of students enrolled in
10 each instructional model of a bilingual education or special
11 language program offered by the district; and

12 (3) the number and percentage of students identified
13 as students of limited English proficiency who do not receive
14 specialized instruction.

15 (b) For purposes of this section, the commissioner shall
16 adopt rules to classify programs under this section as follows:

17 (1) if the program is a bilingual education program,
18 the program must be classified under the Public Education
19 Information Management System (PEIMS) report as:

20 (A) transitional bilingual/early exit: a
21 bilingual program that serves students identified as students of
22 limited English proficiency in both English and Spanish and
23 transfers a student to English-only instruction not earlier than
24 two or later than five years after the student enrolls in school;

25 (B) transitional bilingual/late exit: a
26 bilingual program that serves students identified as students of
27 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; and

(2) 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

1 English language arts instruction exclusively, while the student
2 remains in a mainstream instructional arrangement in the remaining
3 content areas.

4 (c) If the school district has received a waiver and is not
5 required to offer a bilingual education or special language program
6 in a student's native language or if the student's parents have
7 refused to approve the student's entry into a program as provided by
8 Section 29.056, the program must be classified under the Public
9 Education Information Management System (PEIMS) report as: no
10 bilingual education or special language services provided.

11 SECTION 3. Section 29.161, Education Code, is amended by
12 amending Subsection (c) and adding Subsections (d), (e), and (f) to
13 read as follows:

14 (c) The system must:

15 (1) be reflective of research in the field of early
16 childhood care and education;

17 (2) be well-grounded in the cognitive, social, and
18 emotional development of young children; ~~and~~

19 (3) apply a common set of criteria to each program
20 provider seeking certification, regardless of the type of program
21 or source of program funding; and

22 (4) be capable of fulfilling the reporting and notice
23 requirements of Sections 28.006(d) and (g).

24 (d) The agency shall collect each student's raw score
25 results on the reading instrument administered under Section 28.006
26 from each school district using the system created under Subsection
27 (a) and shall contract with the State Center for Early Childhood

1 Development for purposes of this section.

2 (e) The State Center for Early Childhood Development shall,
3 using funds appropriated for the school readiness certification
4 system, provide the system created under Subsection (a) to each
5 school district to report each student's raw score results on the
6 reading instrument administered under Section 28.006.

7 (f) The agency shall:

8 (1) provide assistance to the State Center for Early
9 Childhood Development in developing and adopting the school
10 readiness certification system under this section, including
11 providing access to data for the purpose of locating the teacher and
12 campus of record for students; and

13 (2) require confidentiality and other security
14 measures for student data provided to the State Center for Early
15 Childhood Development as the agency's agent, consistent with the
16 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
17 Section 1232g).

18 SECTION 4. Subsection (e), Section 39.027, Education Code,
19 is amended to read as follows:

20 (e) The commissioner shall develop an assessment system
21 that shall be used for evaluating the academic progress, including
22 reading proficiency in English, of all students of limited English
23 proficiency, as defined by Section 29.052. A student who is exempt
24 from the administration of an assessment instrument under
25 Subsection (a)(3) or (4) who achieves reading proficiency in
26 English as determined by the assessment system developed under this
27 subsection shall be administered the assessment instruments

1 described by Sections 39.023(a) and (c). The performance under the
2 assessment system developed under this subsection of students to
3 whom Subsection (a)(3) or (4) applies shall be included in the
4 academic excellence indicator system under Section 39.051, the
5 performance report under Section 39.053, and the comprehensive
6 annual report under Section 39.182. This information shall be
7 provided in a manner that is disaggregated by the bilingual
8 education or special language program, if any, in which the student
9 is enrolled.

10 SECTION 5. Section 39.051, Education Code, is amended by
11 adding Subsection (b-1) to read as follows:

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

21 SECTION 6. Section 39.182, Education Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (b-1) to
23 read as follows:

24 (a) Not later than December 1 of each year, the agency shall
25 prepare and deliver to the governor, the lieutenant governor, the
26 speaker of the house of representatives, each member of the
27 legislature, the Legislative Budget Board, and the clerks of the

1 standing committees of the senate and house of representatives with
2 primary jurisdiction over the public school system a comprehensive
3 report covering the preceding school year and containing:

4 (1) an evaluation of the achievements of the state
5 educational program in relation to the statutory goals for the
6 public education system under Section 4.002;

7 (2) an evaluation of the status of education in the
8 state as reflected by the academic excellence indicators adopted
9 under Section 39.051;

10 (3) a summary compilation of overall student
11 performance on academic skills assessment instruments required by
12 Section 39.023 with the number and percentage of students exempted
13 from the administration of those instruments and the basis of the
14 exemptions, aggregated by grade level, subject area, campus, and
15 district, with appropriate interpretations and analysis, and
16 disaggregated by race, ethnicity, gender, and socioeconomic
17 status;

18 (4) a summary compilation of overall performance of
19 students placed in a disciplinary alternative education program
20 established under Section 37.008 on academic skills assessment
21 instruments required by Section 39.023 with the number of those
22 students exempted from the administration of those instruments and
23 the basis of the exemptions, aggregated by district, grade level,
24 and subject area, with appropriate interpretations and analysis,
25 and disaggregated by race, ethnicity, gender, and socioeconomic
26 status;

27 (5) a summary compilation of overall performance of

1 students at risk of dropping out of school, as defined by Section
2 29.081(d), on academic skills assessment instruments required by
3 Section 39.023 with the number of those students exempted from the
4 administration of those instruments and the basis of the
5 exemptions, aggregated by district, grade level, and subject area,
6 with appropriate interpretations and analysis, and disaggregated
7 by race, ethnicity, gender, and socioeconomic status;

8 (6) an evaluation of the correlation between student
9 grades and student performance on academic skills assessment
10 instruments required by Section 39.023;

11 (7) a statement of the dropout rate of students in
12 grade levels 7 through 12, expressed in the aggregate and by grade
13 level, and a statement of the completion rates of students for grade
14 levels 9 through 12;

15 (8) a statement of:

16 (A) the completion rate of students who enter
17 grade level 9 and graduate not more than four years later;

18 (B) the completion rate of students who enter
19 grade level 9 and graduate, including students who require more
20 than four years to graduate;

21 (C) the completion rate of students who enter
22 grade level 9 and not more than four years later receive a high
23 school equivalency certificate;

24 (D) the completion rate of students who enter
25 grade level 9 and receive a high school equivalency certificate,
26 including students who require more than four years to receive a
27 certificate; and

1 (E) the number and percentage of all students who
2 have not been accounted for under Paragraph (A), (B), (C), or (D);

3 (9) a statement of the projected cross-sectional and
4 longitudinal dropout rates for grade levels 9 through 12 for the
5 next five years, assuming no state action is taken to reduce the
6 dropout rate;

7 (10) a description of a systematic, measurable plan
8 for reducing the projected cross-sectional and longitudinal
9 dropout rates to five percent or less for the 1997-1998 school year;

10 (11) a summary of the information required by Section
11 29.083 regarding grade level retention of students and information
12 concerning:

13 (A) the number and percentage of students
14 retained; and

15 (B) the performance of retained students on
16 assessment instruments required under Section 39.023(a);

17 (12) information, aggregated by district type and
18 disaggregated by race, ethnicity, gender, and socioeconomic
19 status, on:

20 (A) the number of students placed in a
21 disciplinary alternative education program established under
22 Section 37.008;

23 (B) the average length of a student's placement
24 in a disciplinary alternative education program established under
25 Section 37.008;

26 (C) the academic performance of students on
27 assessment instruments required under Section 39.023(a) during the

1 year preceding and during the year following placement in a
2 disciplinary alternative education program; and

3 (D) the dropout rates of students who have been
4 placed in a disciplinary alternative education program established
5 under Section 37.008;

6 (13) a list of each school district or campus that does
7 not satisfy performance standards, with an explanation of the
8 actions taken by the commissioner to improve student performance in
9 the district or campus and an evaluation of the results of those
10 actions;

11 (14) an evaluation of the status of the curriculum
12 taught in public schools, with recommendations for legislative
13 changes necessary to improve or modify the curriculum required by
14 Section 28.002;

15 (15) a description of all funds received by and each
16 activity and expenditure of the agency;

17 (16) a summary and analysis of the instructional
18 expenditures ratios and instructional employees ratios of school
19 districts computed under Section 44.0071;

20 (17) a summary of the effect of deregulation,
21 including exemptions and waivers granted under Section 7.056 or
22 39.112;

23 (18) a statement of the total number and length of
24 reports that school districts and school district employees must
25 submit to the agency, identifying which reports are required by
26 federal statute or rule, state statute, or agency rule, and a
27 summary of the agency's efforts to reduce overall reporting

1 requirements;

2 (19) a list of each school district that is not in
3 compliance with state special education requirements, including:

4 (A) the period for which the district has not
5 been in compliance;

6 (B) the manner in which the agency considered the
7 district's failure to comply in determining the district's
8 accreditation status; and

9 (C) an explanation of the actions taken by the
10 commissioner to ensure compliance and an evaluation of the results
11 of those actions;

12 (20) a comparison of the performance of
13 open-enrollment charter schools and school districts on the
14 academic excellence indicators specified in Section 39.051(b) and
15 accountability measures adopted under Section 39.051(g), with a
16 separately aggregated comparison of the performance of
17 open-enrollment charter schools predominantly serving students at
18 risk of dropping out of school, as defined by Section 29.081(d),
19 with the performance of school districts;

20 (21) a summary of the information required by Section
21 38.0141 regarding student health and physical activity from each
22 school district; ~~and~~

23 (22) a summary compilation of overall student
24 performance under the assessment system developed to evaluate the
25 longitudinal academic progress as required by Section 39.027(e),
26 disaggregated by bilingual education or special language program
27 instructional model, if any; and

1 (23) any additional information considered important
2 by the commissioner or the State Board of Education.

3 (b) In reporting the information required by Subsection
4 (a)(3) or (4), the agency may separately aggregate the performance
5 data of students enrolled in a special education program under
6 Subchapter A, Chapter 29~~[, or a bilingual education or special~~
7 ~~language program under Subchapter B, Chapter 29]~~.

8 (b-1) In reporting the information required by Subsections
9 (a)(3), (5), and (7), the agency shall separately aggregate the
10 longitudinal performance data of all students identified as
11 students of limited English proficiency, as defined by Section
12 29.052, or former students of limited English proficiency,
13 disaggregated by bilingual education or special language program
14 instructional model, if any, in which the students are or were
15 enrolled.

16 SECTION 7. Subsection (c), Section 42.006, Education Code,
17 is amended to read as follows:

18 (c) Annually, the commissioner shall review the Public
19 Education Information Management System and shall repeal or amend
20 rules that require school districts to provide information through
21 the Public Education Information Management System that is not
22 necessary. In reviewing and revising the Public Education
23 Information Management System, the commissioner shall develop
24 rules to ensure that the system:

25 (1) provides useful, accurate, and timely information
26 on student demographics and academic performance, personnel, and
27 school district finances;

1 (2) contains only the data necessary for the
2 legislature and the agency to perform their legally authorized
3 functions in overseeing the public education system; and

4 (3) does not contain any information related to
5 instructional methods, except as provided by Section 29.066 or
6 required by federal law.

7 SECTION 8. The changes in law made by this Act apply
8 beginning with the 2008-2009 school year.

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

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 1871 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; May 24, 2007, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 26, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Secretary of the Senate</div>
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I hereby certify that S.B. No. 1871 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting; May 26, 2007, House granted request of the Senate for appointment of Conference Committee; May 27, 2007, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 0, two present not voting.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Chief Clerk of the House</div>
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Approved:

Date

Governor