

BILL ANALYSIS

C.S.H.B. 2759
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides that a student with limited English proficiency may be transferred out of a bilingual education or special language program if the student is able to participate equally in regular all-English instructional programs. The ability of the student to do so is determined by factors including an end-of-year test approved by the Texas Education Agency; satisfactory performance on the reading assessment instrument for grade levels three through eight or language arts for secondary level courses, with the assessment administered in English, or, if the student is in first or second grade a score at or above the 40th percentile in an agency-approved standardized test; and agency-approved criterion-referenced tests and a subjective teacher evaluation.

C.S.H.B. 2759 changes the factors determining the removal of a student of limited English proficiency from a bilingual education or special language program, so that students are not removed prematurely, especially in the early years when it is most needed. The bill removes a provision authorizing the transfer out of a bilingual education or special language program of a first or second grade student who scores at or above the 40th percentile in the reading and language arts sections of an agency-approved English standardized test.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2759 amends the Education Code to authorize a school district to transfer a student of limited English proficiency out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instructional program as determined by a student's proficiency in Spanish, if the student is enrolled in a bilingual program and the student's primary language is Spanish, in addition to proficiency in English; satisfactory performance on the reading assessment instrument for grades three through eight or an English language arts end-of-course assessment instrument, as applicable, with the assessment instrument administered in English, if the student is enrolled in the third or fourth grade, rather than satisfactory performance on such instruments, as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and other indications of a student's overall progress, including criterion-reference test scores, subjective teacher evaluation, and parental evaluation, rather than agency approved criterion-referenced tests and the results of a subjective teacher evaluation.

C.S.H.B. 2759 makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2759 authorizes the transfer of a student of limited English proficiency (LEP) out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instruction program as determined by, among other determinations, agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific skills in English and Spanish, if the student is enrolled in a bilingual education program and the student's primary language is Spanish, rather than in both English and the student's primary language as in the original. The substitute authorizes the transfer of an LEP student out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instruction program as determined by, among other determinations, satisfactory performance on the reading assessment instrument for grades three through eight or an English language arts end-of-course assessment instrument, as applicable, with the assessment instrument administered in English, if the student is enrolled in the third or fourth grade, rather than satisfactory performance on the reading assessment instrument for grades three through eight or an English language arts end-of-course assessment instrument, as applicable, with the assessment instrument administered in English as in the original.