

BILL ANALYSIS

C.S.H.B. 4091
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2008, a federal district court found that Texas had failed its secondary school English language learner students by not providing quality limited English proficiency (LEP) programs. Of particular concern to the court were the large and significant achievement gaps between LEP and non-LEP students enrolled in grades seven through 12. The court noted that LEP students have twice the dropout rate as other students, are retained at double the rate of their peers, and perform worse than their peers by a margin of 40 percent or more on state assessment tests.

C.S.H.B. 4091 aims to establish criteria for a research-based, intensive, individualized, and accelerated reading program for LEP students and to provide teachers with support in accelerating student achievement by ensuring that teachers have access to resources that meet their needs.

C.S.H.B. 4091 authorizes school districts to provide to students with limited English proficiency an intensive reading improvement program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4091 amends the Education Code to authorize a school district to provide students of limited English proficiency a reading improvement program that is designed to enable students to read proficiently and increase the likelihood that students will graduate from high school. The bill requires such a program to include a research-based curriculum and vocabulary and reading comprehension assessments; provide individualized, intensive, and accelerated instruction; be aligned with the required curriculum; include a comprehensive system of support for teachers; and include teacher training materials and other teacher training resources. The bill requires the results of the vocabulary and reading comprehension assessments to be accessible through an Internet data management system to appropriate teachers and administrators and, in English and Spanish, to the parent of a student participating in the program. The bill authorizes a program to include computer-based instruction that makes additional reading practice available.

C.S.H.B. 4091 requires a school district providing a program to begin providing instruction under the program to a student of limited English proficiency before the student enters the seventh grade. The bill requires such a school district to begin providing instruction under the program to a student of limited English proficiency within six weeks of the student's initial enrollment in a district school at a grade level at which the district provides the program to other students of limited English proficiency.

C.S.H.B. 4091 requires a school district providing a program to submit to the Texas Education Agency (TEA), not later than January 31 and June 1 of each school year, a written report on the progress in reading of participating students. The bill authorizes the commissioner of education by rule to specify the format of and information to be provided in the report. The bill authorizes TEA to collect information from each district providing a program to evaluate program effectiveness. The bill makes its provisions applicable beginning with the 2009-2010 school year.

C.S.H.B. 4091 repeals Section 39.024(d), Education Code, which requires TEA to develop and make available teacher training materials and other teacher training resources to assist teachers in enabling students of limited English proficiency to meet state performance expectations.

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. 4091 differs from the original by authorizing, rather than requiring, a school district to provide a reading improvement program to students of limited English proficiency.

C.S.H.B. 4091 authorizes the program to include computer-based instruction that makes available additional reading practice for participating students, whereas the original made this provision a requirement of the program.

C.S.H.B. 4091 requires a district providing the program to begin instruction to a student within six weeks of the student's initial enrollment in a district school at a grade level at which the district provides the program to other students of limited English proficiency, whereas the original requires such instruction to begin not later than September 30 of each school year without making such specifications about the student receiving the instruction.

C.S.H.B. 4091 adds a provision not in the original authorizing the commissioner of education by rule to specify the format of and information to be provided in a progress report a district providing the program is required to submit to TEA. The substitute adds a provision not in the original authorizing TEA to collect information from each district providing the program to evaluate program effectiveness.