

## **BILL ANALYSIS**

Senate Research Center  
81R10870 CAE-F

S.B. 1459  
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Education  
3/29/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas has more than 775,000 English language learners (ELL) enrolled in early childhood programs through grade 12, and those students speak more than 120 different languages. Within both bilingual and English as a second language programs, differences exist in the specific types and quality of programs. Due to the number of languages and student concentrations, school districts vary in the way they educate ELLs.

From 2005 to 2008, students with limited English proficiency (LEP) in Texas have improved in every area tested by the Texas Assessment of Knowledge and Skills, but LEP students in secondary grades still lag behind those in the elementary grades. The research base supporting best practices for secondary ELL is greatly lacking.

Despite a number of state-funded dropout prevention efforts, Texas continues to struggle with one of the nation's worst dropout problems. It has been estimated that for each hour of every school day, 93 students drop out of Texas public schools. Although there is promising national research on dropouts, there is little research to validate these practices in Texas.

As proposed, S.B. 1459 requires education research centers to identify successful language acquisition programs in Texas schools and provide grants to those schools to determine best practices. This bill authorizes a district to offer an intensive English program (program) for LEP students enrolled at or above grade level six or promoted to grade level six and authorizes a program to be offered for additional days beyond the regular school year or as an extension of the regular school day. This bill also establishes a dropout intervention pilot program (pilot program) and requires a district participating in the pilot program to implement intervention models included in the federal Institute of Education Sciences practice guide and authorizes programs and models to be based on successful programs and models from other states.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.068, Education Code), SECTION 2 (Section 29.101, Education Code), and SECTION 3 (Section 42.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 29, Education Code, by adding Sections 29.067, 29.068, and 29.0681, as follows:

Sec. 29.067. BILINGUAL BEST PRACTICES GRANT PROGRAM. (a) Requires the commissioner of education (commissioner) to establish a grant program to facilitate identification of successful language acquisition programs in this state for students of limited English proficiency (LEP) and a determination of the best practices used by those programs.

(b) Requires the education research centers (centers) established under Section 1.005 (Education Research Centers; Sharing Student Information) to identify successful language acquisition programs operated by school districts (districts) in this state, based on consideration of the amount of time it takes a student to become proficient in English, the continued academic progress of a student after exiting a program, and any other factor determined to be relevant by the centers.

(c) Requires the commissioner, after successful programs are identified under Subsection (b), to provide grants to pay the costs of determining the best practices of those programs. Requires the centers to identify best practices in at least several certain areas including initial teacher training and ongoing professional development, teaching strategies, and collaboration with institutions of higher education.

(d) Requires the centers to also identify each best practice considered likely to be appropriate for implementation in another district, including identification of the type of district in which implementation would be appropriate; or effective in also addressing the special needs of students at risk of dropping out of school, as describing by Section 29.081(d) (relating to the definition of "student at risk of dropping out of school").

(e) Requires the centers to focus 75 percent of research time and effort under this section at middle and high schools and to focus 25 percent of research time and effort under this section at elementary schools.

(f) Requires that programs and strategies identified by the centers as best practices be submitted to the best practices clearinghouse as provided by Section 7.009 (Best Practices; Clearinghouse).

(g) Requires the centers, not later than January 1, 2011, to prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a report addressing the results of the centers' research under this section. Provides that this subsection expires September 1, 2011.

Sec. 29.068. OPTIONAL INTENSIVE ENGLISH PROGRAM. (a) Authorizes a district to offer an intensive English program (program) as provided by this section for LEP students enrolled at or above grade level six or promoted to grade level six.

(b) Provides that a student described by Subsection (a) is eligible to enroll in the program if the student has not met the requirements for transferring out of a bilingual or English as a second language program and has a score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test that is below the level specified by the commissioner for purposes of this subdivision.

(c) Prohibits a district from requiring a student to enroll in a program under this section.

(d) Requires a district that offers a program under this section to offer the program to all students eligible under Subsection (b). Authorizes a district, subject to the availability of local funds or a determination by the commissioner that sufficient state funds are available, to extend eligibility for the program to students who do not satisfy the requirements of Subsection (b)(2) but are otherwise eligible under Subsection (b).

(e) Authorizes a program under this section, notwithstanding Section 25.081 (Operation of Schools) or 25.082 (School Day; Pledges of Allegiance; Minute of Silence), to be offered for additional school days beyond the district's regular school year or as an extension of a regular school day. Provides that Section 25.0811 (First Day of Instruction) does not apply to a program under this section.

(f) Provides that Sections 25.085 (Compulsory School Attendance), 25.086 (Exemptions), 25.093 (Parent Contributing to Nonattendance), and 25.094 (Failure to Attend School) apply to a student enrolled in a program under this

section and the student's parent, as applicable, during the period that the program is offered.

(g) Requires a program under this section to:

(1) focus on targeted and systematic second language acquisition instruction to provide LEP students with the foundations of the English language for purposes of listening, speaking, reading, and writing in English;

(2) report the progress of students enrolled in the program in achieving English language proficiency, as required by the commissioner;

(3) be taught by an educator with an English as a second language certificate or a bilingual certificate issued under Subchapter B (Certification of Educators), Chapter 21 (Educators); and

(4) have a student-to-teacher ratio that does not exceed 18 to one.

(h) Entitles a district to additional funding for attendance by eligible students in a program under this section, as provided by Section 42.005(h).

(i) Prohibits a district from offering a program under this section as a substitute for any other program required to be provided to LEP students, including a prekindergarten program required by Section 29.153 (Free Prekindergarten For Certain Children).

(j) Provides that this section does limit the ability of a district to provide any additional services to LEP students.

(k) Authorizes a district, in operating a program under this section, to serve students currently enrolled in a disciplinary alternative education program under Chapter 37 (Discipline; Law and Order) in the same classroom as other students.

(l) Requires the commissioner to adopt rules to implement this section, including rules relating to instructional requirements. Authorizes the commissioner, notwithstanding any other provision of this section, by rule to modify the grade levels at which a program is offered or the English language proficiency levels specified for purposes of student program eligibility as necessary to limit program costs to the amount of available funding.

(m) Authorizes the commissioner to establish an application process for a district seeking to offer a program under this section.

(n) Authorizes the commissioner to require a district to offer a program under this section based on an evaluation of the effectiveness of the district's existing programs for LEP students.

Sec. 29.0681. STUDY. (a) Requires the commissioner to conduct a study of the effectiveness of optional programs under Section 29.068 and best practices of public schools in assisting LEP students enrolled at or above grade level six, including recent immigrants.

(b) Requires the commissioner, not later than December 1, 2010, to prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a report regarding the study conducted under this section. Requires the report to include any recommendations for changes in programs serving LEP students enrolled at or above grade level six.

(c) Requires a center established under Section 1.005, on the request of the commissioner, to assist the commissioner in conducting the study.

(d) Provides that this section expires September 1, 2011.

SECTION 2. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.101, as follows:

Sec. 29.101. DROPOUT INTERVENTION PILOT PROGRAM. (a) Requires the commissioner by rule to establish a pilot program under which a participating district intervenes with students at risk of dropping out of school, as described by Section 29.081(d) (relating to definition of "student at risk of dropping out of school"), by using methods focused on improving education attainment by those students.

(b) Authorizes a district to apply to the commissioner to participate in the pilot program. Requires the commissioner, subject to receipt of acceptable applications, to select for participation in the pilot program urban and rural school districts with a large number of at-risk students, including educationally disadvantaged students and LEP students, as defined by Section 29.052 (Definitions).

(c) Requires the pilot program to focus on students in primary and secondary grade levels, with emphasis on students entering middle school and students entering ninth grade.

(d) Requires a district participating in the pilot program to implement intervention models that include best practices recommended by the Institute of Education Sciences practice guide, including models that use dropout monitors and improve academic outcomes through reading interventions. Authorizes programs and models to be based on successful programs and models implemented in other states.

(e) Requires the centers established under Section 1.005, not later than January 1 of each odd-numbered year, to prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a report detailing the success of the pilot program.

SECTION 3. Amends Section 42.005, Education Code, by adding Subsection (h), as follows:

(h) Requires the commissioner, using funds available for that purpose, to increase the average daily attendance of a district providing an optional program under Section 29.068. Authorizes an eligible student to accumulate attendance for purposes of this section in the same manner as under Section 29.0822(d) (relating to requiring the commissioner to adopt rules relating to the method by which average daily attendance is calculated for funding purposes), but is prohibited from being counted as more than one full-day equivalent student on any calendar day. Requires the commissioner by rule to limit additional funding for a student under this subsection to no more than 20 days of attendance during a school year or the equivalent.

SECTION 4. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 5. Effective date: upon passage or September 1, 2009.