

By: Martinez Fischer

H.B. No. 2759

Substitute the following for H.B. No. 2759:

By: Farias

C.S.H.B. No. 2759

A BILL TO BE ENTITLED

1 AN ACT
2 relating to transfer of a student of limited English proficiency
3 out of a public school bilingual education or special language
4 program.

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

6 SECTION 1. Section 29.056(g), Education Code, is amended to
7 read as follows:

8 (g) A district may transfer a student of limited English
9 proficiency out of a bilingual education or special language
10 program for the first time or a subsequent time if the student is
11 able to participate equally in a regular all-English instructional
12 program as determined by:

13 (1) agency-approved tests administered at the end of
14 each school year to determine the extent to which the student has
15 developed oral and written language proficiency and specific
16 language skills in:

17 (A) English; and

18 (B) Spanish, if the student is enrolled in a
19 bilingual education program and the student's primary language is
20 Spanish;

21 (2) satisfactory performance on the reading
22 assessment instrument under Section 39.023(a) or an English
23 language arts assessment instrument under Section 39.023(c), as
24 applicable, with the assessment instrument administered in

1 English, ~~[or,~~] if the student is enrolled in the third or fourth
2 ~~[first or second]~~ grade~~[, an achievement score at or above the 40th~~
3 ~~percentile in the reading and language arts sections of an English~~
4 ~~standardized test approved by the agency]~~; and

5 (3) other indications of a student's overall progress,
6 including ~~[agency-approved]~~ criterion-referenced test scores,
7 ~~[tests and the results of a]~~ subjective teacher evaluation, and
8 parental evaluation.

9 SECTION 2. This Act applies beginning with the 2009-2010
10 school year.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.