

By: Martinez Fischer

H.B. No. 2759

A BILL TO BE ENTITLED

AN ACT

1  
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 both the student's primary language and English;

17 (2) satisfactory performance on the reading  
18 assessment instrument under Section 39.023(a) or an English  
19 language arts assessment instrument under Section 39.023(c), as  
20 applicable, with the assessment instrument administered in  
21 English[~~, or, if the student is enrolled in the first or second~~  
22 ~~grade, an achievement score at or above the 40th percentile in the~~  
23 ~~reading and language arts sections of an English standardized test~~  
24 ~~approved by the agency]; and~~

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

5           SECTION 2. This Act applies beginning with the 2009-2010  
6 school year.

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