

By: Shapiro, West

S.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating to education initiatives for students of limited English proficiency and students at risk of dropping out of school.

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

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

Sec. 29.067. BILINGUAL BEST PRACTICES GRANT PROGRAM.

(a) The commissioner shall establish a grant program to facilitate identification of successful language acquisition programs in this state for students of limited English proficiency and a determination of the best practices used by those programs.

(b) The education research centers established under Section 1.005 shall identify successful language acquisition programs operated by school districts in this state based on consideration of:

(1) the amount of time it takes a student to become proficient in English;

(2) the continued academic progress of a student after exiting a program; and

(3) any other factor determined to be relevant by the centers.

(c) After successful programs are identified under Subsection (b), the commissioner shall provide grants to pay the

1 costs of determining the best practices of those programs. The
2 education research centers must identify best practices in at least
3 the following areas:

4 (1) initial teacher training and ongoing professional
5 development;

6 (2) teaching strategies; and

7 (3) collaboration with institutions of higher
8 education.

9 (d) The education research centers shall also identify each
10 best practice considered likely to be:

11 (1) appropriate for implementation in another school
12 district, including identification of the type of district in which
13 implementation would be appropriate; or

14 (2) effective in also addressing the special needs of
15 students at risk of dropping out of school, as described by Section
16 29.081(d).

17 (e) The education research centers shall focus research
18 time and effort under this section as follows:

19 (1) 75 percent at middle and high schools; and

20 (2) 25 percent at elementary schools.

21 (f) Programs and strategies identified by the education
22 research centers as best practices must be submitted to the best
23 practices clearinghouse as provided by Section 7.009.

24 (g) Not later than January 1, 2011, the education research
25 centers shall prepare and deliver to the governor, the lieutenant
26 governor, the speaker of the house of representatives, and the
27 presiding officers of the standing committees of each house of the

1 legislature with primary jurisdiction over public education a
2 report addressing the results of the centers' research under this
3 section. This subsection expires September 1, 2011.

4 Sec. 29.068. OPTIONAL INTENSIVE ENGLISH PROGRAM. (a) A
5 district may offer an intensive English program as provided by this
6 section for students of limited English proficiency enrolled at or
7 above grade level six or promoted to grade level six.

8 (b) A student described by Subsection (a) is eligible to
9 enroll in the program if the student:

10 (1) has not met the requirements for transferring out
11 of a bilingual or English as a second language program; and

12 (2) has a score or relative degree of achievement on
13 the agency-approved English proficiency test that is below the
14 level specified by the commissioner for purposes of this
15 subdivision.

16 (c) A district may not require a student to enroll in a
17 program under this section.

18 (d) A district that offers a program under this section must
19 offer the program to all students eligible under Subsection (b).
20 Subject to the availability of local funds or a determination by the
21 commissioner that sufficient state funds are available, a district
22 may extend eligibility for the program to students who do not
23 satisfy the requirements of Subsection (b)(2) but are otherwise
24 eligible under Subsection (b).

25 (e) Notwithstanding Section 25.081 or 25.082, a program
26 under this section may be offered for additional school days beyond
27 the district's regular school year or as an extension of a regular

1 school day. Section 25.0811 does not apply to a program under this
2 section.

3 (f) Sections 25.085, 25.086, 25.093, and 25.094 apply to a
4 student enrolled in a program under this section and the student's
5 parent, as applicable, during the period that the program is
6 offered.

7 (g) A program under this section must:

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

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

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

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

20 (h) A district is entitled to additional funding for
21 attendance by eligible students in a program under this section, as
22 provided by Section 42.005(h).

23 (i) A district may not offer a program under this section as
24 a substitute for any other program required to be provided to
25 students of limited English proficiency, including a
26 prekindergarten program required by Section 29.153.

27 (j) This section does not limit the ability of a district to

1 provide any additional services to students of limited English
2 proficiency.

3 (k) In operating a program under this section, a district
4 may serve students currently enrolled in a disciplinary alternative
5 education program under Chapter 37 in the same classroom as other
6 students.

7 (l) The commissioner shall adopt rules to implement this
8 section, including rules relating to instructional requirements.
9 Notwithstanding any other provision of this section, the
10 commissioner may by rule modify the grade levels at which a program
11 is offered or the English language proficiency levels specified for
12 purposes of student program eligibility as necessary to limit
13 program costs to the amount of available funding.

14 (m) The commissioner may establish an application process
15 for a district seeking to offer a program under this section.

16 (n) The commissioner may require a district to offer a
17 program under this section based on an evaluation of the
18 effectiveness of the district's existing programs for students of
19 limited English proficiency.

20 Sec. 29.0681. STUDY. (a) The commissioner shall conduct a
21 study of:

22 (1) the effectiveness of optional intensive English
23 programs under Section 29.068; and

24 (2) best practices of public schools in assisting
25 students of limited English proficiency enrolled at or above grade
26 level six, including recent immigrants.

27 (b) Not later than December 1, 2010, the commissioner shall

1 prepare and deliver to the governor, the lieutenant governor, the
2 speaker of the house of representatives, and the presiding officers
3 of the standing committees of each house of the legislature with
4 primary jurisdiction over public education a report regarding the
5 study conducted under this section. The report must include any
6 recommendations for changes in programs serving students of limited
7 English proficiency enrolled at or above grade level six.

8 (c) On the request of the commissioner, an education
9 research center established under Section 1.005 shall assist the
10 commissioner in conducting the study.

11 (d) This section expires September 1, 2011.

12 SECTION 2. Subchapter C, Chapter 29, Education Code, is
13 amended by adding Section 29.101 to read as follows:

14 Sec. 29.101. DROPOUT INTERVENTION PILOT PROGRAM. (a) The
15 commissioner by rule shall establish a pilot program under which a
16 participating school district intervenes with students at risk of
17 dropping out of school, as described by Section 29.081(d), by using
18 methods focused on improving education attainment by those
19 students.

20 (b) A school district may apply to the commissioner to
21 participate in the pilot program. Subject to receipt of acceptable
22 applications, the commissioner shall select school districts for
23 participation in the pilot program.

24 (c) The pilot program shall focus on students in primary and
25 secondary grade levels, with emphasis on:

26 (1) students entering middle school; and

27 (2) students entering ninth grade.

1 (d) A school district participating in the pilot program
2 shall implement intervention models that include best practices
3 recommended by the Institute of Education Sciences practice guide,
4 including models that use dropout monitors and improve academic
5 outcomes through reading interventions. Programs and models may be
6 based on successful programs and models implemented in other
7 states.

8 (e) Not later than January 1 of each odd-numbered year, the
9 education research centers established under Section 1.005 shall
10 prepare and deliver to the governor, the lieutenant governor, the
11 speaker of the house of representatives, and the presiding officers
12 of the standing committees of each house of the legislature with
13 primary jurisdiction over public education a report detailing the
14 success of the pilot program starting January 1, 2013.

15 SECTION 3. Section 42.005, Education Code, is amended by
16 adding Subsection (h) to read as follows:

17 (h) Using funds available for that purpose, the
18 commissioner shall increase the average daily attendance of a
19 district providing an optional intensive English program under
20 Section 29.068. An eligible student may accumulate attendance for
21 purposes of this section in the same manner as under Section
22 29.0822(d), but may not be counted as more than one full-day
23 equivalent student on any calendar day. The commissioner shall by
24 rule limit additional funding for a student under this subsection
25 to no more than 20 days of attendance during a school year or the
26 equivalent.

27 SECTION 4. This Act applies beginning with the 2009-2010

1 school year.

2 SECTION 5. This Act does not make an appropriation. This
3 Act takes effect only if a specific appropriation for the
4 implementation of the Act is provided in a general appropriations
5 act of the 81st Legislature.

6 SECTION 6. Except as provided by Section 5 of this Act, this
7 Act takes effect immediately if it receives a vote of two-thirds of
8 all the members elected to each house, as provided by Section 39,
9 Article III, Texas Constitution. If this Act does not receive the
10 vote necessary for immediate effect, this Act takes effect
11 September 1, 2009, except as provided by Section 5 of this Act.