

1-1 By: Shapiro S.B. No. 1459
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Education; April 7, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 7, Nays 2; April 7, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1459 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to education initiatives for students of limited English
1-10 proficiency and students at risk of dropping out of school.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 29, Education Code, is
1-13 amended by adding Sections 29.067, 29.068, and 29.0681 to read as
1-14 follows:

1-15 Sec. 29.067. BILINGUAL BEST PRACTICES GRANT PROGRAM.

1-16 (a) The commissioner shall establish a grant program to facilitate
1-17 identification of successful language acquisition programs in this
1-18 state for students of limited English proficiency and a
1-19 determination of the best practices used by those programs.

1-20 (b) The education research centers established under
1-21 Section 1.005 shall identify successful language acquisition
1-22 programs operated by school districts in this state based on
1-23 consideration of:

1-24 (1) the amount of time it takes a student to become
1-25 proficient in English;

1-26 (2) the continued academic progress of a student after
1-27 exiting a program; and

1-28 (3) any other factor determined to be relevant by the
1-29 centers.

1-30 (c) After successful programs are identified under
1-31 Subsection (b), the commissioner shall provide grants to pay the
1-32 costs of determining the best practices of those programs. The
1-33 education research centers must identify best practices in at least
1-34 the following areas:

1-35 (1) initial teacher training and ongoing professional
1-36 development;

1-37 (2) teaching strategies; and

1-38 (3) collaboration with institutions of higher
1-39 education.

1-40 (d) The education research centers shall also identify each
1-41 best practice considered likely to be:

1-42 (1) appropriate for implementation in another school
1-43 district, including identification of the type of district in which
1-44 implementation would be appropriate; or

1-45 (2) effective in also addressing the special needs of
1-46 students at risk of dropping out of school, as described by Section
1-47 29.081(d).

1-48 (e) The education research centers shall focus research
1-49 time and effort under this section as follows:

1-50 (1) 75 percent at middle and high schools; and

1-51 (2) 25 percent at elementary schools.

1-52 (f) Programs and strategies identified by the education
1-53 research centers as best practices must be submitted to the best
1-54 practices clearinghouse as provided by Section 7.009.

1-55 (g) Not later than January 1, 2011, the education research
1-56 centers shall prepare and deliver to the governor, the lieutenant
1-57 governor, the speaker of the house of representatives, and the
1-58 presiding officers of the standing committees of each house of the
1-59 legislature with primary jurisdiction over public education a
1-60 report addressing the results of the centers' research under this
1-61 section. This subsection expires September 1, 2011.

1-62 Sec. 29.068. OPTIONAL INTENSIVE ENGLISH PROGRAM. (a) A
1-63 district may offer an intensive English program as provided by this

2-1 section for students of limited English proficiency enrolled at or
2-2 above grade level six or promoted to grade level six.
2-3 (b) A student described by Subsection (a) is eligible to
2-4 enroll in the program if the student:
2-5 (1) has not met the requirements for transferring out
2-6 of a bilingual or English as a second language program; and
2-7 (2) has a score or relative degree of achievement on
2-8 the agency-approved English proficiency test that is below the
2-9 level specified by the commissioner for purposes of this
2-10 subdivision.
2-11 (c) A district may not require a student to enroll in a
2-12 program under this section.
2-13 (d) A district that offers a program under this section must
2-14 offer the program to all students eligible under Subsection (b).
2-15 Subject to the availability of local funds or a determination by the
2-16 commissioner that sufficient state funds are available, a district
2-17 may extend eligibility for the program to students who do not
2-18 satisfy the requirements of Subsection (b)(2) but are otherwise
2-19 eligible under Subsection (b).
2-20 (e) Notwithstanding Section 25.081 or 25.082, a program
2-21 under this section may be offered for additional school days beyond
2-22 the district's regular school year or as an extension of a regular
2-23 school day. Section 25.0811 does not apply to a program under this
2-24 section.
2-25 (f) Sections 25.085, 25.086, 25.093, and 25.094 apply to a
2-26 student enrolled in a program under this section and the student's
2-27 parent, as applicable, during the period that the program is
2-28 offered.
2-29 (g) A program under this section must:
2-30 (1) focus on targeted and systematic second language
2-31 acquisition instruction to provide students of limited English
2-32 proficiency with the foundations of the English language for
2-33 purposes of listening, speaking, reading, and writing in English;
2-34 (2) report the progress of students enrolled in the
2-35 program in achieving English language proficiency, as required by
2-36 the commissioner;
2-37 (3) be taught by an educator with an English as a
2-38 second language certificate or a bilingual certificate issued under
2-39 Subchapter B, Chapter 21; and
2-40 (4) have a student-to-teacher ratio that does not
2-41 exceed 18 to one.
2-42 (h) A district is entitled to additional funding for
2-43 attendance by eligible students in a program under this section, as
2-44 provided by Section 42.005(h).
2-45 (i) A district may not offer a program under this section as
2-46 a substitute for any other program required to be provided to
2-47 students of limited English proficiency, including a
2-48 prekindergarten program required by Section 29.153.
2-49 (j) This section does not limit the ability of a district to
2-50 provide any additional services to students of limited English
2-51 proficiency.
2-52 (k) In operating a program under this section, a district
2-53 may serve students currently enrolled in a disciplinary alternative
2-54 education program under Chapter 37 in the same classroom as other
2-55 students.
2-56 (l) The commissioner shall adopt rules to implement this
2-57 section, including rules relating to instructional requirements.
2-58 Notwithstanding any other provision of this section, the
2-59 commissioner may by rule modify the grade levels at which a program
2-60 is offered or the English language proficiency levels specified for
2-61 purposes of student program eligibility as necessary to limit
2-62 program costs to the amount of available funding.
2-63 (m) The commissioner may establish an application process
2-64 for a district seeking to offer a program under this section.
2-65 (n) The commissioner may require a district to offer a
2-66 program under this section based on an evaluation of the
2-67 effectiveness of the district's existing programs for students of
2-68 limited English proficiency.
2-69 Sec. 29.0681. STUDY. (a) The commissioner shall conduct a

3-1 study of:

3-2 (1) the effectiveness of optional intensive English
3-3 programs under Section 29.068; and

3-4 (2) best practices of public schools in assisting
3-5 students of limited English proficiency enrolled at or above grade
3-6 level six, including recent immigrants.

3-7 (b) Not later than December 1, 2010, the commissioner shall
3-8 prepare and deliver to the governor, the lieutenant governor, the
3-9 speaker of the house of representatives, and the presiding officers
3-10 of the standing committees of each house of the legislature with
3-11 primary jurisdiction over public education a report regarding the
3-12 study conducted under this section. The report must include any
3-13 recommendations for changes in programs serving students of limited
3-14 English proficiency enrolled at or above grade level six.

3-15 (c) On the request of the commissioner, an education
3-16 research center established under Section 1.005 shall assist the
3-17 commissioner in conducting the study.

3-18 (d) This section expires September 1, 2011.

3-19 SECTION 2. Subchapter C, Chapter 29, Education Code, is
3-20 amended by adding Section 29.101 to read as follows:

3-21 Sec. 29.101. DROPOUT INTERVENTION PILOT PROGRAM. (a) The
3-22 commissioner by rule shall establish a pilot program under which a
3-23 participating school district intervenes with students at risk of
3-24 dropping out of school, as described by Section 29.081(d), by using
3-25 methods focused on improving education attainment by those
3-26 students.

3-27 (b) The pilot program shall focus on students in primary and
3-28 secondary grade levels, with emphasis on:

3-29 (1) students entering middle school; and

3-30 (2) students entering ninth grade.

3-31 (c) A school district participating in the pilot program
3-32 shall implement intervention models that include best practices
3-33 recommended by the Institute of Education Sciences practice guide,
3-34 including models that use dropout monitors and improve academic
3-35 outcomes through reading interventions. Programs and models may be
3-36 based on successful programs and models implemented in other
3-37 states.

3-38 (d) Not later than January 1 of each odd-numbered year, the
3-39 education research centers established under Section 1.005 shall
3-40 prepare and deliver to the governor, the lieutenant governor, the
3-41 speaker of the house of representatives, and the presiding officers
3-42 of the standing committees of each house of the legislature with
3-43 primary jurisdiction over public education a report detailing the
3-44 success of the pilot program starting January 1, 2013.

3-45 SECTION 3. Section 42.005, Education Code, is amended by
3-46 adding Subsection (h) to read as follows:

3-47 (h) Using funds available for that purpose, the
3-48 commissioner shall increase the average daily attendance of a
3-49 district providing an optional intensive English program under
3-50 Section 29.068. An eligible student may accumulate attendance for
3-51 purposes of this section in the same manner as under Section
3-52 29.0822(d), but may not be counted as more than one full-day
3-53 equivalent student on any calendar day. The commissioner shall by
3-54 rule limit additional funding for a student under this subsection
3-55 to no more than 20 days of attendance during a school year or the
3-56 equivalent.

3-57 SECTION 4. This Act applies beginning with the 2009-2010
3-58 school year.

3-59 SECTION 5. This Act takes effect immediately if it receives
3-60 a vote of two-thirds of all the members elected to each house, as
3-61 provided by Section 39, Article III, Texas Constitution. If this
3-62 Act does not receive the vote necessary for immediate effect, this
3-63 Act takes effect September 1, 2009.

3-64

* * * * *