A BILL TO BE ENTITLED 1 AN ACT 2 relating to public school accountability for bilingual education and English as a second language and other special language 3 4 programs. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 5 6 SECTION 1. Section 29.062, Education Code, is amended to 7 read as follows: Sec. 29.062. COMPLIANCE. (a) The legislature recognizes 8 9 that compliance with this subchapter is an imperative public 10 necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this 11 12 subchapter based on the following data, disaggregated by campus and school district or open-enrollment charter school, which each 13 14 district and open-enrollment charter school shall collect and provide to the agency: 15 16 (1) the student achievement indicators adopted under Section 39.053, including the results of assessment instruments; 17 18 (2) the difference in grade-level retention rates between students of limited English proficiency and students who 19 are not students of limited English proficiency; 20 21 (3) any significant difference in performance on assessment instruments required under Sections 39.023(a), (c), and 22 23 (1), as applicable, between students of limited English proficiency at the campus or in the district or open-enrollment charter school 24

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1	being evaluated and the state average performance on those
2	assessment instruments of students who are not students of limited
3	English proficiency; and
4	(4) any significant difference in the dropout rate for
5	grade levels 9 through 12 between students of limited English
6	proficiency at the campus or in the district or open-enrollment
7	charter school being evaluated and the state average dropout rate
8	of students who are not students of limited English proficiency.
9	(b) Notwithstanding Subsection (a), for a campus with fewer
10	than 30 students enrolled in bilingual education or English as a
11	second language or other special language programs, the agency
12	shall evaluate information specified under Subsection (a) only at
13	the district level.
14	<u>(b-1)</u> The agency may combine <u>but may not replace</u> evaluations
15	under this section with federal accountability measures concerning
16	students of limited English proficiency.
17	(b-2) Each person considered by the agency to be the lead
18	monitor evaluating the effectiveness of programs under this
19	subchapter must be appropriately certified by the State Board for
20	Educator Certification as provided for under Section 29.061 for
21	English as a second language. An emergency endorsement issued
22	under Section 29.061(a) is not considered appropriate
23	certification for purposes of this subsection.
24	[(b) The areas to be monitored shall include:
25	[(1) program content and design;
26	[(2) program coverage;
27	[(3) identification procedures;

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1	[(4) classification procedures;
2	[(5) staffing;
3	[(6) learning materials;
4	[(7) testing materials;
5	[(8) reclassification of students for either entry
6	into regular classes conducted exclusively in English or reentry
7	into a bilingual education or special education program; and
8	[(9) activities of the language proficiency
9	assessment committees.]
10	(c) If, as a result of an evaluation under Subsection (a),
11	the agency determines that a school district, campus, or
12	open-enrollment charter school program under this chapter is
13	ineffective, the agency shall intervene in the program [Not later
14	than the 30th day after the date of an on-site monitoring
15	inspection, the agency shall report its findings to the school
16	district or open-enrollment charter school and to the division of
17	accreditation].
18	(d) The agency shall notify a school district <u>, and if</u>
19	<u>applicable, a campus,</u> or <u>an</u> open-enrollment charter school [found
20	in noncompliance] in writing of an intervention under Subsection
21	<u>(c)</u> $[\tau]$ not later than the 30th day after the <u>first day</u> [date] of the
22	intervention [on-site monitoring. The district or open-enrollment
23	charter school shall take immediate corrective action].
24	(d-1) The school district, campus, or open-enrollment
25	charter school with a program determined under this section to be
26	ineffective shall immediately review the following to evaluate
27	program effectiveness further:

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1	(1) procedures for identification of students of
2	limited English proficiency;
3	(2) procedures for placement of students in a program
4	under this subchapter;
5	(3) student assessment procedures, including
6	assessment of:
7	(A) English language proficiency; and
8	(B) academic achievement in, as defined by
9	commissioner rule, core content areas;
10	(4) provision of instruction under the program,
11	including assessment of the quality of instruction and whether the
12	program is being implemented as designed;
13	(5) credentials of instructional staff, including:
14	(A) appropriate certification of teachers
15	providing English language development or content area instruction
16	to students of limited English proficiency; and
17	(B) the amount of instruction provided by
18	teachers who hold emergency endorsements or who are teaching
19	outside the teacher's area of specialization;
20	(6) professional development provided to content area
21	teachers serving students of limited English proficiency;
22	(7) curricular materials used in providing
23	instruction;
24	(8) district-level program evaluation procedures,
25	including procedures for:
26	(A) ongoing district-level monitoring to
27	identify program components needing improvement and implementing

1	identified improvements; and
2	(B) identifying and closing any academic
3	achievement gap between students of limited English proficiency and
4	students who are not students of limited English proficiency;
5	(9) a rate of parental denial of approval of a
6	student's entry into or placement in a program under this
7	subchapter that is at least 150 percent greater than the state
8	average rate of parental denial;
9	(10) any variance of greater than 20 percent between
10	the percentage of students identified as students of limited
11	English proficiency and the percentage of students who speak a
12	language other than English at home, as determined by the home
13	language survey administered to all students new to a campus,
14	district, or open-enrollment charter school as provided by Section
15	29.056(a)(1); and
16	(11) reclassification of students for either entry
17	into regular classes conducted exclusively in English or reentry
18	into a bilingual education or special education program.
19	(d-2) On completion of the review under Subsection (d-1),
20	the campus, district, or open-enrollment charter school shall
21	designate annual program improvement goals that:
22	(1) are designed to improve academic achievement in
23	the core content areas by students of limited English proficiency;
24	and
25	(2) are based on the extent of any academic
26	achievement gap identified under Subsection (d-1)(8)(B), with
27	incremental improvement goals established according to the size of

1 the achievement gap.

2 (d-3) The agency shall review annual improvement in a 3 program under this subchapter as measured by the goals designated 4 under Subsection (d-2). The agency shall take appropriate 5 corrective action for a campus, school district, or open-enrollment 6 charter school program that fails to meet one or more annual 7 improvement goals for two or more consecutive school years.

8 (e) If a <u>campus</u>, school district, or open-enrollment 9 charter school <u>program under this subchapter</u> fails to satisfy 10 appropriate standards adopted by the commissioner for purposes of 11 Subsection <u>(d-3)</u> [(a)], the agency shall apply sanctions, which may 12 include the removal of accreditation, loss of foundation school 13 funds, or both.

(f) The commissioner shall adopt rules consistent with this
 section as necessary to administer this section.

16 SECTION 2. Section 42.006, Education Code, is amended by 17 adding Subsection (e) to read as follows:

18 (e) The commissioner shall adopt rules to ensure that, 19 through the Public Education Information Management System, the 20 agency collects and maintains data regarding:

21 (1) whether a student is or while enrolled in a public
22 school in this state has ever been classified as a student of
23 limited English proficiency;

24 (2) the school year in which a student first entered
25 <u>ninth grade; and</u>
26 (3) a student's status as:

27 <u>(A) a continuing student;</u>

1 (B) a high school graduate; 2 (C) a recipient of a high school equivalency 3 certificate; or 4 (D) a dropout. 5 SECTION 3. This Act applies beginning with the 2012-2013 6 school year. 7 SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as 8 provided by Section 39, Article III, Texas Constitution. If this 9

10 Act does not receive the vote necessary for immediate effect, this 11 Act takes effect September 1, 2011.