

By: Villarreal

H.B. No. 1328

Substitute the following for H.B. No. 1328:

By: Allen

C.S.H.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to data requirements and certain other requirements concerning students of limited English proficiency in public schools.

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

SECTION 1. Section 29.062, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (b-1), and (b-2) to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the following data, disaggregated by campus and school district or open-enrollment charter school, which each district and open-enrollment charter school shall collect and provide to the agency:

(1) the student achievement indicators adopted under Section 39.053, including the results of assessment instruments;

(2) the difference in grade-level retention rates between students of limited English proficiency and students who are not students of limited English proficiency;

(3) any significant difference in performance on assessment instruments required under Sections 39.023(a), (c), and (1), as applicable, between students of limited English proficiency

1 at the campus or in the district or open-enrollment charter school
2 being evaluated and the state average performance on those
3 assessment instruments of students who are not students of limited
4 English proficiency; and

5 (4) any significant difference in the dropout rate for
6 grade levels 9 through 12 between students of limited English
7 proficiency at the campus or in the district or open-enrollment
8 charter school being evaluated and the state average dropout rate
9 of students who are not students of limited English proficiency.

10 (a-1) Notwithstanding Subsection (a), for a school district
11 campus with fewer than 30 students enrolled in bilingual education
12 or English as a second language or other special language programs,
13 the agency shall evaluate information specified under Subsection
14 (a) only at the district level.

15 (a-2) The agency shall also use the data provided to the
16 agency under Subsection (a) to evaluate, in the manner provided by
17 Subsection (a), the effectiveness of programs under this subchapter
18 based on comparisons between:

19 (1) students who, while enrolled in public school in
20 this state, have ever been classified as students of limited
21 English proficiency; and

22 (2) students who have never been classified as
23 students of limited English proficiency.

24 (b-1) The agency may combine but may not replace evaluations
25 under this section with federal accountability measures concerning
26 students of limited English proficiency.

27 (b-2) Each person considered by the agency to be the lead

1 monitor evaluating the effectiveness of programs under this
2 subchapter must be appropriately certified by the State Board for
3 Educator Certification as provided for under Section 29.061 for
4 teaching English as a second language. An emergency endorsement
5 issued under Section 29.061(a) is not considered appropriate
6 certification for purposes of this subsection.

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

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

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

15 (2) the school year in which a student described by
16 Subdivision (1) first entered ninth grade; and

17 (3) the status of a student described by Subdivision
18 (1) as:

19 (A) a continuing student;

20 (B) a high school graduate;

21 (C) a recipient of a high school equivalency
22 certificate; or

23 (D) a dropout.

24 SECTION 3. Section 29.062(b), Education Code, is repealed.

25 SECTION 4. This Act applies beginning with the 2014-2015
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.