

By: Zaffirini

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to public school accountability for bilingual education  
3 and English as a second language and other special language  
4 programs.

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

6 SECTION 1. Section 29.062, Education Code, is amended to  
7 read as follows:

8 Sec. 29.062. COMPLIANCE. (a) The legislature recognizes  
9 that compliance with this subchapter is an imperative public  
10 necessity. Therefore, in accordance with the policy of the state,  
11 the agency shall evaluate the effectiveness of programs under this  
12 subchapter based on the following data, disaggregated by campus and  
13 school district or open-enrollment charter school, which each  
14 district and open-enrollment charter school shall collect and  
15 provide to the agency:

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

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

21 (3) any significant difference in performance on  
22 assessment instruments required under Sections 39.023(a), (c), and  
23 (1), as applicable, between students of limited English proficiency  
24 at the campus or in the district or open-enrollment charter school

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

14 (b-1) The agency may combine but may not replace 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 teaching English as a second language. An emergency endorsement  
22 issued 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,~~

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, any  
19 appropriate campus, or an open-enrollment charter school ~~[found in~~  
20 ~~noncompliance]~~ in writing of an intervention under Subsection  
21 (c)[7] not later than the 30th day after the first day ~~[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:

- 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) if applicable, district-level program evaluation  
25 procedures, 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 campus, school district, or open-enrollment  
9 charter school program under this subchapter fails to satisfy  
10 appropriate standards adopted by the commissioner for purposes of  
11 Subsection (d-3) [~~(a)~~], the agency shall apply sanctions, which may  
12 include the removal of accreditation, loss of foundation school  
13 funds, or both.

14 (f) The commissioner shall adopt rules consistent with this  
15 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 described by  
25 Subdivision (1) first entered ninth grade; and

26 (3) the status of a student described by Subdivision

27 (1) as:

- 1                   (A) a continuing student;
- 2                   (B) a high school graduate;
- 3                   (C) a recipient of a high school equivalency
- 4 certificate; or
- 5                   (D) a dropout.

6           SECTION 3. This Act applies beginning with the 2014-2015

7 school year.

8           SECTION 4. This Act takes effect immediately if it receives

9 a vote of two-thirds of all the members elected to each house, as

10 provided by Section 39, Article III, Texas Constitution. If this

11 Act does not receive the vote necessary for immediate effect, this

12 Act takes effect September 1, 2013.