

By: Bernal

H.B. No. 2863

A BILL TO BE ENTITLED

1 AN ACT
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 have not previously been classified as students of limited English
21 proficiency;

22 (3) any significant difference in performance on
23 assessment instruments required under Sections 39.023(a), (c), and
24 (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 have not previously been
4 classified as students of limited 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 have not previously been classified as students of
10 limited English proficiency.

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

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

19 (b-2) Each lead monitor evaluating the effectiveness of
20 programs under this subchapter must be appropriately certified by
21 the State Board for Educator Certification as provided for under
22 Section 29.061 for teaching English as a second language. An
23 emergency endorsement issued under Section 29.061(a) is not
24 considered appropriate certification for purposes of this
25 subsection.

26 [~~(b) The areas to be monitored shall include:~~

27 [~~(1) program content and design;~~

1 ~~[(2) program coverage,~~
2 ~~[(3) identification procedures,~~
3 ~~[(4) classification procedures,~~
4 ~~[(5) staffing,~~
5 ~~[(6) learning materials,~~
6 ~~[(7) testing materials,~~
7 ~~[(8) reclassification of students for either entry~~
8 ~~into regular classes conducted exclusively in English or reentry~~
9 ~~into a bilingual education or special education program; and~~
10 ~~[(9) activities of the language proficiency~~
11 ~~assessment committees.]~~

12 (c) To ensure the effectiveness of programs under this
13 subchapter, the agency shall intervene in a school district,
14 campus, or open-enrollment charter school program if, as a result
15 of an evaluation under Subsection (a), the agency determines the
16 program is ineffective ~~[Not later than the 30th day after the date~~
17 ~~of an on-site monitoring inspection, the agency shall report its~~
18 ~~findings to the school district or open-enrollment charter school~~
19 ~~and to the division of accreditation].~~

20 (d) The agency shall notify a school district, any
21 appropriate campus, or an open-enrollment charter school that is
22 found in noncompliance in writing of an intervention under
23 Subsection (c)[7] not later than the 30th day after the first day
24 [date] of the intervention ~~[on-site monitoring. The district or~~
25 ~~open-enrollment charter school shall take immediate corrective~~
26 ~~action].~~

27 (d-1) To evaluate program effectiveness further, a school

1 district, campus, or open-enrollment charter school with a program
2 determined under this section to be ineffective shall immediately
3 review and provide to the agency a report concerning the following
4 factors:

5 (1) procedures for identification of students of
6 limited English proficiency;

7 (2) procedures for placement of students in a program
8 under this subchapter;

9 (3) student assessment procedures, including
10 assessment of:

11 (A) English language proficiency; and

12 (B) academic achievement in, as defined by
13 commissioner rule, core content areas;

14 (4) provision of instruction under the program,
15 including assessment of the quality of instruction and whether the
16 program is being implemented as designed;

17 (5) credentials of instructional staff, including:

18 (A) appropriate certification of teachers
19 providing English language development or content area instruction
20 to students of limited English proficiency; and

21 (B) the amount of instruction provided by
22 teachers who hold emergency endorsements or who are teaching
23 outside the teacher's area of specialization;

24 (6) professional development provided to content area
25 teachers serving students of limited English proficiency;

26 (7) curricular materials considered by language,
27 school, and grade used in providing instruction to students of

1 limited English proficiency;

2 (8) if applicable, district-level program evaluation
3 procedures, including procedures for:

4 (A) ongoing district-level monitoring to
5 identify program components needing improvement and implementing
6 identified improvements; and

7 (B) identifying and closing any academic
8 achievement gap between students of limited English proficiency and
9 students who have not previously been classified as students of
10 limited English proficiency;

11 (9) a rate of parental denial of approval of a
12 student's entry into or placement in a program under this
13 subchapter that is at least 150 percent greater than the state
14 average rate of parental denial;

15 (10) any variance of greater than 20 percent between
16 the percentage of students identified as students of limited
17 English proficiency and the percentage of students who speak a
18 language other than English at home, as determined by the home
19 language survey administered to all students new to a campus,
20 district, or open-enrollment charter school as provided by Section
21 [29.056\(a\)\(1\)](#); and

22 (11) reclassification of students for either entry
23 into regular classes conducted exclusively in English or reentry
24 into a bilingual education or special education program.

25 (d-2) On completion of the review under Subsection (d-1),
26 the campus, district, or open-enrollment charter school shall
27 designate annual program improvement goals that:

1 (1) are designed to improve academic achievement in
2 the core content areas by students of limited English proficiency;
3 and

4 (2) are based on the extent of any academic
5 achievement gap identified under Subsection (d-1)(8)(B), with
6 incremental improvement goals established according to the size of
7 the achievement gap.

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

14 (e) If a campus, school district, or open-enrollment
15 charter school program under this subchapter fails to satisfy
16 appropriate standards adopted by the commissioner for purposes of
17 Subsection (d-3) [~~(a)~~], the agency shall apply sanctions, which may
18 include the removal of accreditation, loss of foundation school
19 funds, or both.

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

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

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

27 (1) whether a student is or while enrolled in a public

1 school in this state has ever been classified as a student of
2 limited English proficiency;

3 (2) the school year in which a student described by
4 Subdivision (1) first entered ninth grade;

5 (3) the date a student described by Subdivision (1)
6 was classified as a student of limited English proficiency;

7 (4) if applicable, the date a student classified as a
8 student of limited English proficiency exits a program under
9 Subchapter B, Chapter 29; and

10 (5) the status of a student described by Subdivision
11 (1) as:

12 (A) a continuing student;

13 (B) a high school graduate;

14 (C) a recipient of a high school equivalency
15 certificate; or

16 (D) a dropout.

17 SECTION 3. This Act applies beginning with the 2015-2016
18 school year.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.