

By: Hall

S.B. No. 1842

A BILL TO BE ENTITLED

AN ACT

1
2 relating to removing the requirement for bilingual education and
3 special language programs for certain students of limited English
4 proficiency.

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

6 SECTION 1. The heading to Subchapter B, Chapter 29,
7 Education Code, is amended to read as follows:

8 SUBCHAPTER B. ~~[BILINGUAL EDUCATION AND]~~ SPECIAL LANGUAGE PROGRAMS

9 SECTION 2. Section 29.051, Education Code, is amended to
10 read as follows:

11 Sec. 29.051. STATE POLICY. English is the basic language of
12 this state. Public schools are responsible for providing a full
13 opportunity for all students to become competent in speaking,
14 reading, writing, and comprehending the English language. ~~[Large
15 numbers of students come from environments in which the primary
16 language is other than English. Experience has shown that public
17 school classes in which instruction is given only in English are
18 often inadequate for the education of those students.]~~ The mastery
19 of basic English language skills is a prerequisite for effective
20 participation in the state's educational program. ~~[Bilingual
21 education and special language programs can meet the needs of those
22 students and facilitate their integration into the regular school
23 curriculum. Therefore, in accordance with the policy of the state
24 to ensure equal educational opportunity to every student, and in~~

1 ~~recognition of the educational needs of students of limited English~~
2 ~~proficiency, this subchapter provides for the establishment of~~
3 ~~bilingual education and special language programs in the public~~
4 ~~schools and provides supplemental financial assistance to help~~
5 ~~school districts meet the extra costs of the programs.]~~

6 SECTION 3. Subchapter B, Chapter 29, Education Code, is
7 amended by adding Section 29.0515 to read as follows:

8 Sec. 29.0515. SPECIAL LANGUAGE PROGRAMS. A school district
9 with an enrollment of 20 or more students of limited English
10 proficiency that speak the same primary language may offer
11 bilingual education, instruction in English as a second language,
12 English immersion, or other transitional language instruction.

13 SECTION 4. Section 29.052, Education Code, is amended to
14 read as follows:

15 Sec. 29.052. DEFINITION [~~DEFINITIONS~~]. In this subchapter,
16 "student [+

17 ~~(1) "Student]~~ of limited English proficiency" means a
18 student whose primary language is other than English and whose
19 English language skills are such that the student has difficulty
20 performing ordinary classwork in English.

21 ~~(2) "Parent" includes a legal guardian of a student.]~~

22 SECTION 5. Sections 29.053, 29.054, 29.055, 29.056,
23 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063,
24 29.064, and 29.066, Education Code, are repealed.

25 SECTION 6. Section 7.056(e), Education Code, is amended to
26 read as follows:

27 (e) Except as provided by Subsection (f), a school campus or

1 district may not receive an exemption or waiver under this section
2 from:

3 (1) a prohibition on conduct that constitutes a
4 criminal offense;

5 (2) a requirement imposed by federal law or rule,
6 including a requirement for special education or bilingual
7 education programs; or

8 (3) a requirement, restriction, or prohibition
9 relating to:

10 (A) essential knowledge or skills under Section
11 28.002 or high school graduation requirements under Section 28.025;

12 (B) public school accountability as provided by
13 Subchapters B, C, D, E, F, G, and J, Chapter 39;

14 (C) extracurricular activities under Section
15 33.081 or participation in a University Interscholastic League
16 area, regional, or state competition under Section 33.0812;

17 (D) health and safety under Chapter 38;

18 (E) purchasing under Subchapter B, Chapter 44;

19 (F) elementary school class size limits, except
20 as provided by Section 25.112;

21 (G) removal of a disruptive student from the
22 classroom under Subchapter A, Chapter 37;

23 (H) at-risk programs under Subchapter C, Chapter
24 29;

25 (I) prekindergarten programs under Subchapter E,
26 Chapter 29;

27 (J) educator rights and benefits under

1 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
2 A, Chapter 22;

3 (K) special education programs under Subchapter
4 A, Chapter 29; or

5 (L) [~~bilingual education programs under~~
6 ~~Subchapter B, Chapter 29; or~~

7 [~~(M)~~] the requirements for the first day of
8 instruction under Section 25.0811.

9 SECTION 7. Section 12.013(b), Education Code, is amended to
10 read as follows:

11 (b) A home-rule school district is subject to:

12 (1) a provision of this title establishing a criminal
13 offense;

14 (2) a provision of this title relating to limitations
15 on liability; and

16 (3) a prohibition, restriction, or requirement, as
17 applicable, imposed by this title or a rule adopted under this
18 title, relating to:

19 (A) the Public Education Information Management
20 System (PEIMS) to the extent necessary to monitor compliance with
21 this subchapter as determined by the commissioner;

22 (B) educator certification under Chapter 21 and
23 educator rights under Sections 21.407, 21.408, and 22.001;

24 (C) criminal history records under Subchapter C,
25 Chapter 22;

26 (D) student admissions under Section 25.001;

27 (E) school attendance under Sections 25.085,

- 1 25.086, and 25.087;
- 2 (F) inter-district or inter-county transfers of
3 students under Subchapter B, Chapter 25;
- 4 (G) elementary class size limits under Section
5 25.112, in the case of any campus in the district that fails to
6 satisfy any standard under Section 39.054(e);
- 7 (H) high school graduation under Section 28.025;
- 8 (I) special education programs under Subchapter
9 A, Chapter 29;
- 10 (J) ~~bilingual education under Subchapter B,~~
11 ~~Chapter 29;~~
- 12 ~~(K)~~ prekindergarten programs under Subchapter
13 E, Chapter 29;
- 14 (K) ~~(L)~~ safety provisions relating to the
15 transportation of students under Sections 34.002, 34.003, 34.004,
16 and 34.008;
- 17 (L) ~~(M)~~ computation and distribution of state
18 aid under Chapters 31, 42, and 43;
- 19 (M) ~~(N)~~ extracurricular activities under
20 Section 33.081;
- 21 (N) ~~(O)~~ health and safety under Chapter 38;
- 22 (O) ~~(P)~~ public school accountability under
23 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 24 (P) ~~(Q)~~ equalized wealth under Chapter 41;
- 25 (Q) ~~(R)~~ a bond or other obligation or tax rate
26 under Chapters 42, 43, and 45; and
- 27 (R) ~~(S)~~ purchasing under Chapter 44.

1 SECTION 8. Section 12.056(b), Education Code, is amended to
2 read as follows:

3 (b) A campus or program for which a charter is granted under
4 this subchapter is subject to:

5 (1) a provision of this title establishing a criminal
6 offense; and

7 (2) a prohibition, restriction, or requirement, as
8 applicable, imposed by this title or a rule adopted under this
9 title, relating to:

10 (A) the Public Education Information Management
11 System (PEIMS) to the extent necessary to monitor compliance with
12 this subchapter as determined by the commissioner;

13 (B) criminal history records under Subchapter C,
14 Chapter 22;

15 (C) high school graduation under Section 28.025;

16 (D) special education programs under Subchapter
17 A, Chapter 29;

18 (E) ~~bilingual education under Subchapter B,~~
19 ~~Chapter 29,~~

20 ~~[(F)]~~ prekindergarten programs under Subchapter
21 E, Chapter 29;

22 (F) ~~[(G)]~~ extracurricular activities under
23 Section 33.081;

24 (G) ~~[(H)]~~ health and safety under Chapter 38; and

25 (H) ~~[(I)]~~ public school accountability under
26 Subchapters B, C, D, E, F, G, and J, Chapter 39.

27 SECTION 9. Section 12.104(b), Education Code, is amended to

1 read as follows:

2 (b) An open-enrollment charter school is subject to:

3 (1) a provision of this title establishing a criminal
4 offense; and

5 (2) a prohibition, restriction, or requirement, as
6 applicable, imposed by this title or a rule adopted under this
7 title, relating to:

8 (A) the Public Education Information Management
9 System (PEIMS) to the extent necessary to monitor compliance with
10 this subchapter as determined by the commissioner;

11 (B) criminal history records under Subchapter C,
12 Chapter 22;

13 (C) reading instruments and accelerated reading
14 instruction programs under Section 28.006;

15 (D) accelerated instruction under Section
16 28.0211;

17 (E) high school graduation requirements under
18 Section 28.025;

19 (F) special education programs under Subchapter
20 A, Chapter 29;

21 (G) ~~bilingual education under Subchapter B,~~
22 ~~Chapter 29,~~

23 ~~(H)~~ prekindergarten programs under Subchapter
24 E, Chapter 29;

25 (H) ~~(I)~~ extracurricular activities under
26 Section 33.081;

27 (I) ~~(J)~~ discipline management practices or

1 behavior management techniques under Section [37.0021](#);
2 (J) [~~(K)~~] health and safety under Chapter 38;
3 (K) [~~(L)~~] public school accountability under
4 Subchapters B, C, D, E, F, G, and J, Chapter 39;
5 (L) [~~(M)~~] the requirement under Section [21.006](#)
6 to report an educator's misconduct; and
7 (M) [~~(N)~~] intensive programs of instruction
8 under Section [28.0213](#).

9 SECTION 10. Section [39.023](#)(1), Education Code, as effective
10 until on or before September 1, 2015, is amended to read as follows:

11 (1) The State Board of Education shall adopt rules for the
12 administration of the assessment instruments adopted under
13 Subsection (a) in Spanish to students in grades three through five
14 who are of limited English proficiency, as defined by Section
15 [29.052](#), whose primary language is Spanish, and who are not
16 otherwise exempt from the administration of an assessment
17 instrument under Section [39.027](#)(a)(1) or (2). Each student of
18 limited English proficiency whose primary language is Spanish,
19 other than a student to whom Subsection (b) applies, may be assessed
20 using assessment instruments in Spanish under this subsection for
21 up to three years or assessment instruments in English under
22 Subsection (a). [~~The language proficiency assessment committee
23 established under Section [29.063](#) shall determine which students are
24 administered assessment instruments in Spanish under this
25 subsection.~~]

26 SECTION 11. Section [39.023](#)(1), Education Code, as effective
27 on or before September 1, 2015, is amended to read as follows:

1 (1) The State Board of Education shall adopt rules for the
2 administration of the assessment instruments adopted under
3 Subsection (a) and, to the extent applicable, the assessment
4 instruments adopted under Subsection (a-4) in Spanish to students
5 in grades three, four, and five who are of limited English
6 proficiency, as defined by Section 29.052, whose primary language
7 is Spanish, and who are not otherwise exempt from the
8 administration of an assessment instrument under Section
9 39.027(a)(1) or (2). Each student of limited English proficiency
10 whose primary language is Spanish, other than a student to whom
11 Subsection (b) applies, may be assessed using assessment
12 instruments in Spanish under this subsection for up to three years
13 or assessment instruments in English under Subsection (a) and, as
14 applicable, Subsection (a-4). ~~[The language proficiency
15 assessment committee established under Section 29.063 shall
16 determine which students are administered assessment instruments
17 in Spanish under this subsection.]~~

18 SECTION 12. Section 39.023(1), Education Code, as effective
19 September 1, 2017, is amended to read as follows:

20 (1) The State Board of Education shall adopt rules for the
21 administration of the assessment instruments adopted under
22 Subsection (a) in Spanish to students in grades three through five
23 who are of limited English proficiency, as defined by Section
24 29.052, whose primary language is Spanish, and who are not
25 otherwise exempt from the administration of an assessment
26 instrument under Section 39.027(a)(1) or (2). Each student of
27 limited English proficiency whose primary language is Spanish,

1 other than a student to whom Subsection (b) applies, may be assessed
2 using assessment instruments in Spanish under this subsection for
3 up to three years or assessment instruments in English under
4 Subsection (a). [~~The language proficiency assessment committee
5 established under Section 29.063 shall determine which students are
6 administered assessment instruments in Spanish under this
7 subsection.~~]

8 SECTION 13. Section 39.232(b), Education Code, is amended
9 to read as follows:

10 (b) A school campus or district is not exempt under this
11 section from:

12 (1) a prohibition on conduct that constitutes a
13 criminal offense;

14 (2) requirements imposed by federal law or rule,
15 including requirements for special education or bilingual
16 education programs; or

17 (3) a requirement, restriction, or prohibition
18 relating to:

19 (A) curriculum essential knowledge and skills
20 under Section 28.002 or high school graduation requirements under
21 Section 28.025;

22 (B) public school accountability as provided by
23 Subchapters B, C, D, E, F, G, and J;

24 (C) extracurricular activities under Section
25 33.081;

26 (D) health and safety under Chapter 38;

27 (E) purchasing under Subchapter B, Chapter 44;

1 (F) elementary school class size limits, except
2 as provided by Subsection (d) or Section 25.112;

3 (G) removal of a disruptive student from the
4 classroom under Subchapter A, Chapter 37;

5 (H) at risk programs under Subchapter C, Chapter
6 29;

7 (I) prekindergarten programs under Subchapter E,
8 Chapter 29;

9 (J) rights and benefits of school employees; or

10 (K) special education programs under Subchapter
11 A, Chapter 29[~~;~~ ~~or~~

12 [~~(L) bilingual education programs under~~
13 ~~Subchapter B, Chapter 29~~].

14 SECTION 14. Section 39.309(c), Education Code, is amended
15 to read as follows:

16 (c) The Texas School Accountability Dashboard developed
17 under Subsection (a) must include:

18 (1) performance information for each school district
19 and campus in areas specified by Subsection (b) and must allow for
20 comparison between districts and campuses in each of the areas;

21 (2) a comparison of the number of students enrolled in
22 each school district, including:

23 (A) the percentage of students of limited English
24 proficiency, as defined by Section 29.052;

25 (B) the percentage of students who are unschooled
26 asylees or refugees, as defined by Section 39.027(a-1);

27 (C) the percentage of students who are

1 educationally disadvantaged; and

2 (D) the percentage of students with
3 disabilities;

4 (3) a comparison of performance information for each
5 district and campus disaggregated by race, ethnicity, and
6 populations served by special programs, including special
7 education [~~, bilingual education, and special language~~] programs;
8 and

9 (4) a comparison of performance information by subject
10 area.

11 SECTION 15. Section 382.05199(c), Health and Safety Code,
12 is amended to read as follows:

13 (c) The applicant must publish notice at least once in a
14 newspaper of general circulation in the municipality in which the
15 plant is proposed to be located or in the municipality nearest to
16 the proposed location of the plant. If the elementary or middle
17 school nearest to the proposed plant provides a special language
18 [~~bilingual education~~] program under [~~as required by~~] Subchapter B,
19 Chapter 29, Education Code, the applicant must also publish the
20 notice at least once in an additional publication of general
21 circulation in the municipality or county in which the plant is
22 proposed to be located that is published in the language taught in
23 the special language [~~bilingual education~~] program. This
24 requirement is waived if such a publication does not exist or if the
25 publisher refuses to publish the notice.

26 SECTION 16. Section 382.056(a), Health and Safety Code, is
27 amended to read as follows:

1 (a) Except as provided by Section 382.0518(h), an applicant
2 for a permit or permit amendment under Section 382.0518 or a permit
3 renewal review under Section 382.055 shall publish notice of intent
4 to obtain the permit, permit amendment, or permit review not later
5 than the 30th day after the date the commission determines the
6 application to be administratively complete. The commission by
7 rule shall require an applicant for a federal operating permit
8 under Section 382.054 to publish notice of intent to obtain a
9 permit, permit amendment, or permit review consistent with federal
10 requirements and with the requirements of Subsection (b). The
11 applicant shall publish the notice at least once in a newspaper of
12 general circulation in the municipality in which the facility or
13 federal source is located or is proposed to be located or in the
14 municipality nearest to the location or proposed location of the
15 facility or federal source. If the elementary or middle school
16 nearest to the facility or proposed facility provides a special
17 language [~~bilingual education~~] program under [~~as required by~~]
18 Subchapter B, Chapter 29, Education Code, the applicant shall also
19 publish the notice at least once in an additional publication of
20 general circulation in the municipality or county in which the
21 facility is located or proposed to be located that is published in
22 the language taught in the special language [~~bilingual education~~]
23 program. This requirement is waived if such a publication does not
24 exist or if the publisher refuses to publish the notice. The
25 commission by rule shall prescribe the form and content of the
26 notice and when notice must be published. The commission may
27 require publication of additional notice. The commission by rule

1 shall prescribe alternative procedures for publication of the
2 notice in a newspaper if the applicant is a small business
3 stationary source as defined by Section 5.135, Water Code, and will
4 not have a significant effect on air quality. The alternative
5 procedures must be cost-effective while ensuring adequate notice.
6 Notice required to be published under this section shall only be
7 required to be published in the United States.

8 SECTION 17. This Act applies beginning with the 2015-2016
9 school year.

10 SECTION 18. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2015.