

By: Rinaldi

H.B. No. 1367

A BILL TO BE ENTITLED

1 AN ACT
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 in the state come from environments in which the~~
16 ~~primary language is other than English. Experience has shown that~~
17 ~~public school classes in which instruction is given only in English~~
18 ~~are often inadequate for the education of those students.~~] The
19 mastery of basic English language skills is a prerequisite for
20 effective participation in the state's educational program.
21 [~~Bilingual education and special language programs can meet the~~
22 ~~needs of those students and facilitate their integration into the~~
23 ~~regular school curriculum. Therefore, in accordance with the~~
24 ~~policy of the state to ensure equal educational opportunity to~~

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

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

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

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

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

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

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

23 SECTION 5. Sections 29.053, 29.054, 29.055, 29.056,
24 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063,
25 29.064, and 29.066, Education Code, are repealed.

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

1 (e) Except as provided by Subsection (f), a school campus or
2 district may not receive an exemption or waiver under this section
3 from:

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

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

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

11 (A) essential knowledge or skills under Section
12 28.002 or high school graduation requirements under Section 28.025;

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

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

18 (D) health and safety under Chapter 38;

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

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

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

24 (H) at-risk programs under Subchapter C, Chapter
25 29;

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

1 (J) educator rights and benefits under
2 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
3 A, Chapter 22;

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

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

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

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

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

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

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

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

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

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

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

27 (D) student admissions under Section 25.001;

- 1 (E) school attendance under Sections 25.085,
2 25.086, and 25.087;
- 3 (F) inter-district or inter-county transfers of
4 students under Subchapter B, Chapter 25;
- 5 (G) elementary class size limits under Section
6 25.112, in the case of any campus in the district that fails to
7 satisfy any standard under Section 39.054(e);
- 8 (H) high school graduation under Section 28.025;
- 9 (I) special education programs under Subchapter
10 A, Chapter 29;
- 11 (J) ~~[bilingual education under Subchapter B,~~
12 ~~Chapter 29,~~
- 13 ~~[(K)]~~ prekindergarten programs under Subchapter
14 E, Chapter 29;
- 15 (K) ~~[(L)]~~ safety provisions relating to the
16 transportation of students under Sections 34.002, 34.003, 34.004,
17 and 34.008;
- 18 (L) ~~[(M)]~~ computation and distribution of state
19 aid under Chapters 31, 42, and 43;
- 20 (M) ~~[(N)]~~ extracurricular activities under
21 Section 33.081;
- 22 (N) ~~[(O)]~~ health and safety under Chapter 38;
- 23 (O) ~~[(P)]~~ public school accountability under
24 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 25 (P) ~~[(Q)]~~ equalized wealth under Chapter 41;
- 26 (Q) ~~[(R)]~~ a bond or other obligation or tax rate
27 under Chapters 42, 43, and 45; and

1 (R) [~~(S)~~] purchasing under Chapter 44.

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

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

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

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

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

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

16 (C) high school graduation under Section 28.025;

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

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

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

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

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

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

1 SECTION 9. Section 12.104(b), Education Code, is amended to
2 read as follows:

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

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

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

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

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

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

16 (D) accelerated instruction under Section
17 28.0211;

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

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

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

24 ~~(H)~~ prekindergarten programs under Subchapter
25 E or E-1, Chapter 29;

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

1 (I) [~~(J)~~] discipline management practices or
2 behavior management techniques under Section 37.0021;

3 (J) [~~(K)~~] health and safety under Chapter 38;

4 (K) [~~(L)~~] public school accountability under
5 Subchapters B, C, D, E, F, G, and J, Chapter 39;

6 (L) [~~(M)~~] the requirement under Section 21.006
7 to report an educator's misconduct;

8 (M) [~~(N)~~] intensive programs of instruction
9 under Section 28.0213; and

10 (N) [~~(O)~~] the right of a school employee to
11 report a crime, as provided by Section 37.148.

12 SECTION 10. Section 39.023(1), Education Code, as effective
13 September 1, 2017, is amended to read as follows:

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

1 ~~subsection.]~~

2 SECTION 11. Section 39.232(b), Education Code, is amended
3 to read as follows:

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

6 (1) a prohibition on conduct that constitutes a
7 criminal offense;

8 (2) requirements imposed by federal law or rule,
9 including requirements for special education or bilingual
10 education programs; or

11 (3) a requirement, restriction, or prohibition
12 relating to:

13 (A) curriculum essential knowledge and skills
14 under Section 28.002 or high school graduation requirements under
15 Section 28.025;

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

18 (C) extracurricular activities under Section
19 33.081;

20 (D) health and safety under Chapter 38;

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

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

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

26 (H) at risk programs under Subchapter C, Chapter
27 29;

1 (I) prekindergarten programs under Subchapter E,
2 Chapter 29;
3 (J) rights and benefits of school employees; or
4 (K) special education programs under Subchapter
5 A, Chapter 29[~~; or~~
6 [~~(L) bilingual education programs under~~
7 ~~Subchapter B, Chapter 29~~].

8 SECTION 12. Section 39.309(c), Education Code, is amended
9 to read as follows:

10 (c) The Texas School Accountability Dashboard developed
11 under Subsection (a) must include:

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

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

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

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

21 (C) the percentage of students who are
22 educationally disadvantaged; and

23 (D) the percentage of students with
24 disabilities;

25 (3) a comparison of performance information for each
26 district and campus disaggregated by race, ethnicity, and
27 populations served by special programs, including special

1 education[, ~~bilingual education, and special language~~] programs;
2 and

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

5 SECTION 13. Section 382.05199(c), Health and Safety Code,
6 is amended to read as follows:

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

20 SECTION 14. Section 382.056(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) Except as provided by Section 382.0518(h), an applicant
23 for a permit or permit amendment under Section 382.0518 or a permit
24 renewal review under Section 382.055 shall publish notice of intent
25 to obtain the permit, permit amendment, or permit review not later
26 than the 30th day after the date the commission determines the
27 application to be administratively complete. The commission by

1 rule shall require an applicant for a federal operating permit
2 under Section 382.054 to publish notice of intent to obtain a
3 permit, permit amendment, or permit review consistent with federal
4 requirements and with the requirements of Subsection (b). The
5 applicant shall publish the notice at least once in a newspaper of
6 general circulation in the municipality in which the facility or
7 federal source is located or is proposed to be located or in the
8 municipality nearest to the location or proposed location of the
9 facility or federal source. If the elementary or middle school
10 nearest to the facility or proposed facility provides a special
11 language [~~bilingual education~~] program under [~~as required by~~]
12 Subchapter B, Chapter 29, Education Code, the applicant shall also
13 publish the notice at least once in an additional publication of
14 general circulation in the municipality or county in which the
15 facility is located or proposed to be located that is published in
16 the language taught in the special language [~~bilingual education~~]
17 program. This requirement is waived if such a publication does not
18 exist or if the publisher refuses to publish the notice. The
19 commission by rule shall prescribe the form and content of the
20 notice and when notice must be published. The commission may
21 require publication of additional notice. The commission by rule
22 shall prescribe alternative procedures for publication of the
23 notice in a newspaper if the applicant is a small business
24 stationary source as defined by Section 5.135, Water Code, and will
25 not have a significant effect on air quality. The alternative
26 procedures must be cost-effective while ensuring adequate
27 notice. Notice required to be published under this section shall

1 only be required to be published in the United States.

2 SECTION 15. This Act applies beginning with the 2017-2018
3 school year.

4 SECTION 16. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2017.