By:  Menéndez S.B. No. 2066

(In the Senate - Filed March 12, 2021; April 1, 2021, read first time and referred to Committee on Education; April 23, 2021, reported favorably by the following vote: Yeas 10, Nays 0; April 23, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                X

Bettencourt          X

Hall                 X

Hughes                         X

Menéndez             X

Paxton               X

Perry                X

Powell               X

Schwertner           X

West                 X

A BILL TO BE ENTITLED

AN ACT

relating to emergent bilingual students in public schools.

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

SECTION 1.  Section 21.0452(b), Education Code, is amended to read as follows:

(b)  The board shall make available at least the following information regarding each educator preparation program:

(1)  the information specified in Sections 21.045(a) and (b);

(2)  in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:

(A)  average overall grade point average and average grade point average in specific subject areas; and

(B)  average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

(3)  the degree to which persons who complete the program are successful in obtaining teaching positions;

(4)  the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:

(A)  students with disabilities; and

(B)  emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052;

(5)  the activities offered by the program that are designed to prepare teachers to:

(A)  integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(B)  use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;

(6)  for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;

(7)  the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing the number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs;

(8)  the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;

(9)  the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and

(10)  the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.

SECTION 2.  Sections 21.054(d) and (e), Education Code, are amended to read as follows:

(d)  Continuing education requirements for a classroom teacher must provide that at least 25 percent of the training required every five years include instruction regarding:

(1)  collecting and analyzing information that will improve effectiveness in the classroom;

(2)  recognizing early warning indicators that a student may be at risk of dropping out of school;

(3)  digital learning, digital teaching, and integrating technology into classroom instruction;

(4)  educating diverse student populations, including:

(A)  students who are eligible to participate in special education programs under Subchapter A, Chapter 29;

(B)  students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

(C)  students with mental health conditions or who engage in substance abuse;

(D)  students with intellectual or developmental disabilities;

(E)  students who are educationally disadvantaged;

(F)  emergent bilingual students [~~of limited English proficiency~~]; and

(G)  students at risk of dropping out of school;

(5)  understanding appropriate relationships, boundaries, and communications between educators and students; and

(6)  how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(e)  Continuing education requirements for a principal must provide that at least 25 percent of the training required every five years include instruction regarding:

(1)  effective and efficient management, including:

(A)  collecting and analyzing information;

(B)  making decisions and managing time; and

(C)  supervising student discipline and managing behavior;

(2)  recognizing early warning indicators that a student may be at risk of dropping out of school;

(3)  digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4)  effective implementation of a comprehensive school counseling program under Section 33.005;

(5)  mental health programs addressing a mental health condition;

(6)  educating diverse student populations, including:

(A)  students who are eligible to participate in special education programs under Subchapter A, Chapter 29;

(B)  students with intellectual or developmental disabilities;

(C)  students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

(D)  students with mental health conditions or who engage in substance abuse;

(E)  students who are educationally disadvantaged;

(F)  emergent bilingual students [~~of limited English proficiency~~]; and

(G)  students at risk of dropping out of school;

(7)  preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; and

(8)  how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

SECTION 3.  Section 21.4551(b), Education Code, is amended to read as follows:

(b)  A reading academy developed under this section must include training in:

(1)  for a teacher providing instruction in reading to students at the seventh or eighth grade level:

(A)  administration of the reading instrument required by Section 28.006(c-1); and

(B)  interpretation of the results of the reading instrument required by Section 28.006(c-1) and strategies, based on scientific research regarding effective reading instruction, for long-term intensive intervention to target identified student needs in word recognition, vocabulary, fluency, and comprehension;

(2)  for a teacher providing instruction in reading to students at the sixth, seventh, or eighth grade level:

(A)  strategies to be implemented in English language arts and other subject areas for multisyllable word reading, vocabulary development, and comprehension of expository and narrative text;

(B)  an adaptation framework that enables teachers to respond to differing student strengths and needs, including adaptations for emergent bilingual students [~~of limited English proficiency~~] or students receiving special education services under Subchapter A, Chapter 29;

(C)  collaborative strategies to increase active student involvement and motivation to read; and

(D)  other areas identified by the commissioner as essential components of reading instruction; and

(3)  for a teacher providing instruction in mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level:

(A)  strategies for incorporating reading instruction into the curriculum for the subject area taught by the teacher; and

(B)  other areas identified by the commissioner.

SECTION 4.  Section 21.457, Education Code, is amended to read as follows:

Sec. 21.457.  TRAINING FOR TEACHERS OF EMERGENT BILINGUAL STUDENTS [~~OF LIMITED ENGLISH PROFICIENCY~~]. The commissioner shall develop and make available training materials and other teacher training resources to assist teachers in developing the expertise required to enable emergent bilingual students [~~of limited English proficiency~~] to meet state performance expectations.

SECTION 5.  Section 29.051, Education Code, is amended to read as follows:

Sec. 29.051.  STATE POLICY. English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students [~~of limited English proficiency~~], this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

SECTION 6.  Section 29.052(1), Education Code, is amended to read as follows:

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

SECTION 7.  Sections 29.053(b), (c), and (d), Education Code, are amended to read as follows:

(b)  Within the first four weeks following the first day of school, the language proficiency assessment committee established under Section 29.063 shall determine and report to the board of trustees of the district the number of emergent bilingual students [~~of limited English proficiency~~] on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The board shall report that information to the agency before November 1 each year.

(c)  Each district with an enrollment of 20 or more emergent bilingual students [~~of limited English proficiency~~] in any language classification in the same grade level shall offer a bilingual education or special language program.

(d)  Each district that is required to offer bilingual education and special language programs under this section shall offer the following for emergent bilingual students [~~of limited English proficiency~~]:

(1)  bilingual education in kindergarten through the elementary grades;

(2)  bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and

(3)  instruction in English as a second language in grades 9 through 12.

SECTION 8.  Sections 29.054(b) and (d), Education Code, are amended to read as follows:

(b)  An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:

(1)  documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;

(2)  documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve emergent bilingual [~~limited English proficiency~~] students;

(3)  documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and

(4)  a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

(d)  During the period for which a district is granted an exception under this section, the district must use alternative methods approved by the agency to meet the needs of its emergent bilingual students [~~of limited English proficiency~~], including hiring teaching personnel under a bilingual emergency permit.

SECTION 9.  Section 29.055(c), Education Code, is amended to read as follows:

(c)  In subjects such as art, music, and physical education, emergent bilingual students [~~of limited English proficiency~~] shall participate fully with English-speaking students in regular classes provided in the subjects.

SECTION 10.  Sections 29.056(a), (c), (d), and (g), Education Code, are amended to read as follows:

(a)  The agency shall establish standardized criteria for the identification, assessment, and classification of emergent bilingual students [~~of limited English proficiency~~] eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The school district or parent may appeal the decision under Section 29.064. The criteria for identification, assessment, and classification may include:

(1)  results of a home language survey conducted within four weeks of each student's enrollment to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if the student is in kindergarten through grade 8 or by the student if the student is in grades 9 through 12, and kept in the student's permanent folder by the language proficiency assessment committee;

(2)  the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade 1 being administered an oral English proficiency test and students in grades 2 through 12 being administered an oral and written English proficiency test; and

(3)  the results of an agency-approved proficiency test in the primary language administered to all students identified under Subdivision (2) as being of limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade 1 being administered an oral primary language proficiency test and students in grades 2 through 12 being administered an oral and written primary language proficiency test.

(c)  The language proficiency assessment committee may classify a student as emergent bilingual [~~limited English proficiency~~] if:

(1)  the student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;

(2)  the student's score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;

(3)  the student's primary language proficiency score as measured by an agency-approved test is greater than the student's proficiency in English; or

(4)  the language proficiency assessment committee determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

(d)  Not later than the 10th day after the date of the student's classification as an emergent bilingual [~~a~~] student [~~of limited English proficiency~~], the language proficiency assessment committee shall give written notice of the classification to the student's parent. The notice must be in English and the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

(g)  A district may transfer an emergent bilingual [~~a~~] student [~~of limited English proficiency~~] out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

(1)  agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

(2)  satisfactory performance on the reading assessment instrument under Section 39.023(a) or an English language arts assessment instrument under Section 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3)  agency-approved criterion-referenced tests and the results of a subjective teacher evaluation.

SECTION 11.  Section 29.059(b), Education Code, is amended to read as follows:

(b)  A school district may allow a nonresident emergent bilingual student [~~of limited English proficiency~~] to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

SECTION 12.  Sections 29.060(a) and (d), Education Code, are amended to read as follows:

(a)  Each school district that is required to offer a bilingual education or special language program shall offer a voluntary program for emergent bilingual children [~~of limited English proficiency~~] who will be eligible for admission to kindergarten or the first grade at the beginning of the next school year. A school that operates on a system permitted by this code other than a semester system shall offer 120 hours of instruction on a schedule the board of trustees of the district establishes. A school that operates on a semester system shall offer the program:

(1)  during the period school is recessed for the summer; and

(2)  for one-half day for eight weeks or on a similar schedule approved by the board of trustees.

(d)  A school district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for emergent bilingual students [~~of limited English proficiency~~] and may join with other districts in establishing the programs.

SECTION 13.  Section 29.062(a), Education Code, is amended 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 achievement indicators adopted under Section 39.053(c), including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning emergent bilingual students [~~of limited English proficiency~~].

SECTION 14.  Sections 29.063(b) and (c), Education Code, are amended to read as follows:

(b)  Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of an emergent bilingual [~~a limited English proficiency~~] student, and a campus administrator.

(c)  The language proficiency assessment committee shall:

(1)  review all pertinent information on emergent bilingual [~~limited English proficiency~~] students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

(2)  make recommendations concerning the most appropriate placement for the educational advancement of the emergent bilingual [~~limited English proficiency~~] student after the elementary grades;

(3)  review each emergent bilingual [~~limited English proficiency~~] student's progress at the end of the school year in order to determine future appropriate placement;

(4)  monitor the progress of students formerly classified as emergent bilingual [~~limited English proficiency~~] who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and

(5)  determine the appropriateness of a program that extends beyond the regular school year based on the needs of each emergent bilingual [~~limited English proficiency~~] student.

SECTION 15.  Sections 29.066(a) and (b), Education Code, are amended to read as follows:

(a)  A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1)  demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;

(2)  the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and

(3)  the number and percentage of students identified as emergent bilingual students [~~of limited English proficiency~~] who do not receive specialized instruction.

(b)  For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

(1)  if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A)  transitional bilingual/early exit: a bilingual program that serves students identified as emergent bilingual students [~~of limited English proficiency~~] in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;

(B)  transitional bilingual/late exit: a bilingual program that serves students identified as emergent bilingual students [~~of limited English proficiency~~] in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;

(C)  dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as emergent bilingual students [~~of limited English proficiency~~] in both English and Spanish and transfers a student identified as an emergent bilingual [~~a~~] student [~~of limited English proficiency~~] to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or

(D)  dual language immersion/one-way: a biliteracy program that serves only students identified as emergent bilingual students [~~of limited English proficiency~~] in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and

(2)  if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A)  English as a second language/content-based: an English program that serves students identified as emergent bilingual students [~~of limited English proficiency~~] in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

(B)  English as a second language/pull-out: an English program that serves students identified as emergent bilingual students [~~of limited English proficiency~~] in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.

SECTION 16.  Section 29.081(d), Education Code, as amended by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(d)  For purposes of this section, "student at risk of dropping out of school" includes each student who:

(1)  is under 26 years of age and who:

(A)  was not advanced from one grade level to the next for one or more school years;

(B)  if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(C)  did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(D)  if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(E)  is pregnant or is a parent;

(F)  has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(G)  has been expelled in accordance with Section 37.007 during the preceding or current school year;

(H)  is currently on parole, probation, deferred prosecution, or other conditional release;

(I)  was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(J)  is an emergent bilingual [~~a~~] student [~~of limited English proficiency~~], as defined by Section 29.052;

(K)  is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(L)  is homeless;

(M)  resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or

(N) [~~(14)~~]  has been incarcerated or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Section 1.07, Penal Code; or

(2)  regardless of the student's age, participates in an adult education program provided under a high school diploma and industry certification charter school program under Section 29.259.

SECTION 17.  Section 29.091(f), Education Code, is amended to read as follows:

(f)  Each school district participating in the program shall, in the manner and within the time prescribed by commissioner rule, provide to the agency an annual written report that includes:

(1)  a detailed description of the district's plan, as implemented;

(2)  the number and grade levels of participating students;

(3)  demographic information for participating students, including the percentage of students of each applicable race and ethnicity, the percentage of educationally disadvantaged students, the percentage of emergent bilingual students [~~of limited English proficiency~~] as defined by Section 29.052, the percentage of students enrolled in a school district special education program under Subchapter A, and the percentage of students enrolled in a district bilingual education program under Subchapter B;

(4)  school attendance rates for participating students, before, during, and after program participation, as applicable;

(5)  specific information that demonstrates whether the purposes described by Subsections (b)(2) and (3) have been achieved, including the results of assessment instruments administered under Section 39.023 for participating students, before, during, and after program participation, as applicable;

(6)  aggregate results of assessment instruments administered under Section 39.023 for students of participating classroom teachers, new teachers, and student teachers, before, during, and after program participation by the students, as applicable;

(7)  information regarding the manner in which teachers are selected for participation in the program and the manner in which teachers are compensated for their participation;

(8)  statistical information for participating classroom teachers, new teachers, and student teachers, including the number of years employed in the teaching profession, the number of years teaching in the district in which the program is provided, the category and class of educator certification held, the highest level of academic degree earned, race, ethnicity, and gender;

(9)  information regarding whether:

(A)  the program is provided on a full-day or half-day basis;

(B)  the program is voluntary or mandatory for educationally disadvantaged students;

(C)  the district has partnered with an outside provider to provide any supplemental service;

(D)  the district provides transportation to participating students; and

(E)  the district offers the program to students who are not educationally disadvantaged and, if so, under what circumstances;

(10)  information on retention in the teaching profession of the participating teachers, including new teachers and student teachers; and

(11)  any other information required by commissioner rule.

SECTION 18.  Section 39.023(l), Education Code, is amended to read as follows:

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

SECTION 19.  Section 39.0241(d), Education Code, is amended to read as follows:

(d)  Using funds appropriated for purposes of this subsection, the agency shall develop and make available teacher training materials and other teacher training resources to assist teachers in enabling emergent bilingual students [~~of limited English proficiency~~] to meet state performance expectations. The teacher training resources shall be designed to support intensive, individualized, and accelerated instructional programs developed by school districts for emergent bilingual students [~~of limited English proficiency~~].

SECTION 20.  Sections 39.027(a) and (e), Education Code, are amended to read as follows:

(a)  A student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of an assessment instrument under:

(1)  Section 39.023(a), (b), (c), or (l) for a period of up to one year after initial enrollment in a school in the United States if the student is an emergent bilingual student [~~of limited English proficiency~~], as defined by Section 29.052, and has not demonstrated proficiency in English as determined by the assessment system under Subsection (e);

(2)  Section 39.023(a), (b), (c), or (l) for a period of up to two years in addition to the exemption period authorized by Subdivision (1) if the student has received an exemption under Subdivision (1) and:

(A)  is a recent unschooled immigrant; or

(B)  is in a grade for which no assessment instrument in the primary language of the student is available; or

(3)  Section 39.023(a), (b), (c), or (l) for a period of up to four years, in addition to the exemption period authorized under Subdivision (1), if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

(e)  The commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052. A student who is exempt from the administration of an assessment instrument under Subsection (a)(1) or (2) who achieves reading proficiency in English as determined by the assessment system developed under this subsection shall be administered the assessment instruments described by Sections 39.023(a) and (c). The performance under the assessment system developed under this subsection of students to whom Subsection (a)(1) or (2) applies shall be included in the indicator systems under Section 39.301, as applicable, the performance report under Section 39.306, and the comprehensive biennial report under Section 39.332. This information shall be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

SECTION 21.  Section 39.034(b), Education Code, is amended to read as follows:

(b)  For emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052, the agency shall use a student's performance data on reading proficiency assessment instruments in English and one other language to calculate the student's progress toward dual language proficiency.

SECTION 22.  Sections 39.301(c) and (d), Education Code, are amended to read as follows:

(c)  Indicators for reporting purposes must include:

(1)  the percentage of graduating students who meet the course requirements established by State Board of Education rule for:

(A)  the foundation high school program;

(B)  the distinguished level of achievement under the foundation high school program; and

(C)  each endorsement described by Section 28.025(c-1);

(2)  the results of the SAT, ACT, and certified workforce training programs described by Chapter 311, Labor Code;

(3)  for students who have failed to perform satisfactorily, under each performance standard under Section 39.0241, on an assessment instrument required under Section 39.023(a) or (c), the performance of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(4)  for each campus, the number of students, disaggregated by major student subpopulations, that take courses under the foundation high school program and take additional courses to earn an endorsement under Section 28.025(c-1), disaggregated by type of endorsement;

(5)  the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(6)  the percentage of emergent bilingual students [~~of limited English proficiency~~] exempted from the administration of an assessment instrument under Sections 39.027(a)(1) and (2);

(7)  the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

(8)  the percentage of students who satisfy the college readiness measure;

(9)  the measure of progress toward dual language proficiency under Section 39.034(b), for emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052;

(10)  the percentage of students who are not educationally disadvantaged;

(11)  the percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

(12)  the percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

(d)  Performance on the indicators described by Section 39.053(c) and Subsections (c)(3), (4), and (9) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052, are or former emergent bilingual students [~~of limited English proficiency~~] were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

SECTION 23.  Section 39.309(c), Education Code, is amended to read as follows:

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

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

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

(A)  the percentage of emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052;

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

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

(D)  the percentage of students with disabilities;

(3)  a comparison of performance information for each district and campus disaggregated by race, ethnicity, and populations served by special programs, including special education, bilingual education, and special language programs; and

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

SECTION 24.  Section 39.332(d), Education Code, is amended to read as follows:

(d)  In reporting the information required by Subsections (b)(3), (5), and (7), the agency shall separately aggregate the longitudinal performance data of all students identified as emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052, or former emergent bilingual students [~~of limited English proficiency~~], disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.

SECTION 25.  Section 48.105(a), Education Code, is amended to read as follows:

(a)  For each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, a district is entitled to an annual allotment equal to the basic allotment multiplied by:

(1)  for an emergent bilingual [~~a~~] student [~~of limited English proficiency~~], as defined by Section 29.052:

(A)  0.1; or

(B)  0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model; and

(2)  for a student not described by Subdivision (1), 0.05 if the student is in a bilingual education program using a dual language immersion/two-way program model.

SECTION 26.  Section 48.108(a), Education Code, is amended to read as follows:

(a)  For each student in average daily attendance in kindergarten through third grade, a school district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is:

(1)  educationally disadvantaged; or

(2)  an emergent bilingual [~~a~~] student [~~of limited English proficiency~~], as defined by Section 29.052, and is in a bilingual education or special language program under Subchapter B, Chapter 29.

SECTION 27.  To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 28.  This Act takes effect September 1, 2021.

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