

By: Menéndez

S.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to emergent bilingual students and increasing the expenditure requirement for the bilingual education allotment.

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:

1 (A) students with disabilities; and

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

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

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

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

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

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

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

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

1 employed program participants; and

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

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

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

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

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

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

16 (4) educating diverse student populations, including:

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

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

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

24 (D) students with intellectual or developmental  
25 disabilities;

26 (E) students who are educationally  
27 disadvantaged;

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

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

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

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

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

14 (1) effective and efficient management, including:

15 (A) collecting and analyzing information;

16 (B) making decisions and managing time; and

17 (C) supervising student discipline and managing  
18 behavior;

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

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

23 (4) effective implementation of a comprehensive  
24 school counseling program under Section [33.005](#);

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

27 (6) educating diverse student populations, including:

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

3 (B) students with intellectual or developmental  
4 disabilities;

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

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

10 (E) students who are educationally  
11 disadvantaged;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (B) other areas identified by the commissioner.

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

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

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

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

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

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

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

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

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

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



1 education or special language program.

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

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

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

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

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

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

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

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

1 students;

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

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

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

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

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

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

23 (a) The agency shall establish standardized criteria for  
24 the identification, assessment, and classification of emergent  
25 bilingual students [~~of limited English proficiency~~] eligible for  
26 entry into the program or exit from the program. The student's  
27 parent must approve a student's entry into the program, exit from

1 the program, or placement in the program. The school district or  
2 parent may appeal the decision under Section 29.064. The criteria  
3 for identification, assessment, and classification may include:

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

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

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

26 (c) The language proficiency assessment committee may  
27 classify a student as emergent bilingual [~~limited English~~

1 ~~proficiency]~~ if:

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

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

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

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

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

27           (g) A district may transfer an emergent bilingual [~~a~~]

1 student [~~of limited English proficiency~~] out of a bilingual  
2 education or special language program for the first time or a  
3 subsequent time if the student is able to participate equally in a  
4 regular all-English instructional program as determined by:

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

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

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

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

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

27 SECTION 12. Sections 29.060(a) and (d), Education Code, are

1 amended to read as follows:

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

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

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

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

20 SECTION 13. Section 29.062(a), Education Code, is amended  
21 to read as follows:

22 (a) The legislature recognizes that compliance with this  
23 subchapter is an imperative public necessity. Therefore, in  
24 accordance with the policy of the state, the agency shall evaluate  
25 the effectiveness of programs under this subchapter based on the  
26 achievement indicators adopted under Section 39.053(c), including  
27 the results of assessment instruments. The agency may combine

1 evaluations under this section with federal accountability  
2 measures concerning emergent bilingual students [~~of limited~~  
3 ~~English proficiency~~].

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

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

10 (c) The language proficiency assessment committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

24           (A) transitional bilingual/early exit: a  
25 bilingual program that serves students identified as emergent  
26 bilingual students [~~of limited English proficiency~~] in both English  
27 and Spanish and transfers a student to English-only instruction not



1 earlier than two or later than five years after the student enrolls  
2 in school;

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

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

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

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

26 (A) English as a second language/content-based:  
27 an English program that serves students identified as emergent

1 bilingual students [~~of limited English proficiency~~] in English only  
2 by providing a full-time teacher certified under Section 29.061(c)  
3 to provide supplementary instruction for all content area  
4 instruction; or

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

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

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

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

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

21 (B) if the student is in grade 7, 8, 9, 10, 11, or  
22 12, did not maintain an average equivalent to 70 on a scale of 100 in  
23 two or more subjects in the foundation curriculum during a semester  
24 in the preceding or current school year or is not maintaining such  
25 an average in two or more subjects in the foundation curriculum in  
26 the current semester;

27 (C) did not perform satisfactorily on an

1 assessment instrument administered to the student under Subchapter  
2 B, Chapter 39, and who has not in the previous or current school  
3 year subsequently performed on that instrument or another  
4 appropriate instrument at a level equal to at least 110 percent of  
5 the level of satisfactory performance on that instrument;

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

10 (E) is pregnant or is a parent;

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

14 (G) has been expelled in accordance with Section  
15 37.007 during the preceding or current school year;

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

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

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

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

27 (L) is homeless;

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

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

11 (2) regardless of the student's age, participates in  
12 an adult education program provided under a high school diploma and  
13 industry certification charter school program under Section  
14 29.259.

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

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

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

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

24 (3) demographic information for participating  
25 students, including the percentage of students of each applicable  
26 race and ethnicity, the percentage of educationally disadvantaged  
27 students, the percentage of emergent bilingual students [~~of limited~~

1 ~~English proficiency]~~ as defined by Section 29.052, the percentage  
2 of students enrolled in a school district special education program  
3 under Subchapter A, and the percentage of students enrolled in a  
4 district bilingual education program under Subchapter B;

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

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

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

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

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

27 (9) information regarding whether:

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

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

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

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

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

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

15 (11) any other information required by commissioner  
16 rule.

17 SECTION 18. Section 39.023(1), Education Code, is amended  
18 to read as follows:

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

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

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

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

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

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

24 (1) Section 39.023(a), (b), (c), or (l) for a period of  
25 up to one year after initial enrollment in a school in the United  
26 States if the student is an emergent bilingual student [~~of limited~~  
27 ~~English proficiency~~], as defined by Section 29.052, and has not

1 demonstrated proficiency in English as determined by the assessment  
2 system under Subsection (e);

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

7 (A) is a recent unschooled immigrant; or

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

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

14 (e) The commissioner shall develop an assessment system  
15 that shall be used for evaluating the academic progress, including  
16 reading proficiency in English, of all emergent bilingual students  
17 [~~of limited English proficiency~~], as defined by Section 29.052. A  
18 student who is exempt from the administration of an assessment  
19 instrument under Subsection (a)(1) or (2) who achieves reading  
20 proficiency in English as determined by the assessment system  
21 developed under this subsection shall be administered the  
22 assessment instruments described by Sections 39.023(a) and (c).  
23 The performance under the assessment system developed under this  
24 subsection of students to whom Subsection (a)(1) or (2) applies  
25 shall be included in the indicator systems under Section 39.301, as  
26 applicable, the performance report under Section 39.306, and the  
27 comprehensive biennial report under Section 39.332. This



1 information shall be provided in a manner that is disaggregated by  
2 the bilingual education or special language program, if any, in  
3 which the student is enrolled.

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

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

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

13 (c) Indicators for reporting purposes must include:

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

17 (A) the foundation high school program;

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

20 (C) each endorsement described by Section  
21 28.025(c-1);

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

24 (3) for students who have failed to perform  
25 satisfactorily, under each performance standard under Section  
26 39.0241, on an assessment instrument required under Section  
27 39.023(a) or (c), the performance of those students on subsequent

1 assessment instruments required under those sections, aggregated  
2 by grade level and subject area;

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

8 (5) the percentage of students, aggregated by grade  
9 level, provided accelerated instruction under Section 28.0211(c),  
10 the results of assessment instruments administered under that  
11 section, the percentage of students promoted through the grade  
12 placement committee process under Section 28.0211, the subject of  
13 the assessment instrument on which each student failed to perform  
14 satisfactorily under each performance standard under Section  
15 39.0241, and the performance of those students in the school year  
16 following that promotion on the assessment instruments required  
17 under Section 39.023;

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

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

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

26 (9) the measure of progress toward dual language  
27 proficiency under Section 39.034(b), for emergent bilingual

1 students [~~of limited English proficiency~~], as defined by Section  
2 29.052;

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

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

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

11 (d) Performance on the indicators described by Section  
12 39.053(c) and Subsections (c)(3), (4), and (9) must be based on  
13 longitudinal student data that is disaggregated by the bilingual  
14 education or special language program, if any, in which emergent  
15 bilingual students [~~of limited English proficiency~~], as defined by  
16 Section 29.052, are or former emergent bilingual students [~~of~~  
17 ~~limited English proficiency~~] were enrolled. If a student described  
18 by this subsection is not or was not enrolled in specialized  
19 language instruction, the number and percentage of those students  
20 shall be provided.

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

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

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

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

3 (A) the percentage of emergent bilingual  
4 students [~~of limited English proficiency~~], as defined by Section  
5 29.052;

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

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

10 (D) the percentage of students with  
11 disabilities;

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

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

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

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

1 SECTION 25. Sections 48.105(a) and (b), Education Code, are  
2 amended to read as follows:

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

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

9 (A) 0.1; or

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

13 (2) for a student not described by Subdivision (1),  
14 0.05 if the student is in a bilingual education program using a dual  
15 language immersion/two-way program model.

16 (b) At least 90 [~~55~~] percent of the funds allocated under  
17 this section must be used in providing bilingual education or  
18 special language programs under Subchapter B, Chapter 29. A  
19 district's bilingual education or special language allocation may  
20 be used only for program and student evaluation, instructional  
21 materials and equipment, staff development, supplemental staff  
22 expenses, salary supplements for teachers, incremental costs  
23 associated with providing smaller class sizes, and other supplies  
24 required for quality instruction.

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

27 (a) For each student in average daily attendance in

1 kindergarten through third grade, a school district is entitled to  
2 an annual allotment equal to the basic allotment multiplied by 0.1  
3 if the student is:

4 (1) educationally disadvantaged; or

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

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

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