

By: Menéndez

S.B. No. 2066

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) educating diverse student populations, including:

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

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

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

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

25 (E) students who are educationally
26 disadvantaged;

27 (F) emergent bilingual students [~~of limited~~

1 ~~English proficiency~~]; and

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

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

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

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

13 (1) effective and efficient management, including:

14 (A) collecting and analyzing information;

15 (B) making decisions and managing time; and

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

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

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

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

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

26 (6) educating diverse student populations, including:

27 (A) students who are eligible to participate in

1 special education programs under Subchapter A, Chapter 29;

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

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

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

9 (E) students who are educationally
10 disadvantaged;

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

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

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

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

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

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

27 (1) for a teacher providing instruction in reading to

1 students at the seventh or eighth grade level:

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

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

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

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

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

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

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

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

27 (A) strategies for incorporating reading

1 instruction into the curriculum for the subject area taught by the
2 teacher; and

3 (B) other areas identified by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 parent may appeal the decision under Section 29.064. The criteria
2 for identification, assessment, and classification may include:

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

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

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

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

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

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

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

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

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

26 (g) A district may transfer an emergent bilingual [a]
27 student [~~of limited English proficiency~~] out of a bilingual

1 education or special language program for the first time or a
2 subsequent time if the student is able to participate equally in a
3 regular all-English instructional program as determined by:

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

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

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

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

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

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

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

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

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

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

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

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

1 measures concerning emergent bilingual students [~~of limited~~
2 ~~English proficiency~~].

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

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

9 (c) The language proficiency assessment committee shall:

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

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

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

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

27 (5) determine the appropriateness of a program that

1 extends beyond the regular school year based on the needs of each
2 emergent bilingual [~~limited English proficiency~~] student.

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

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

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

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

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

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

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

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

1 in school;

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

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

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

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

25 (A) English as a second language/content-based:
26 an English program that serves students identified as emergent
27 bilingual students [~~of limited English proficiency~~] in English only

1 by providing a full-time teacher certified under Section 29.061(c)
2 to provide supplementary instruction for all content area
3 instruction; or

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

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

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

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

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

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

26 (C) did not perform satisfactorily on an
27 assessment instrument administered to the student under Subchapter

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

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

9 (E) is pregnant or is a parent;

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

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

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

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

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

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

26 (L) is homeless;

27 (M) resided in the preceding school year or

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

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

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

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

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

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

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

23 (3) demographic information for participating
24 students, including the percentage of students of each applicable
25 race and ethnicity, the percentage of educationally disadvantaged
26 students, the percentage of emergent bilingual students [~~of limited~~
27 ~~English proficiency~~] as defined by Section 29.052, the percentage

1 of students enrolled in a school district special education program
2 under Subchapter A, and the percentage of students enrolled in a
3 district bilingual education program under Subchapter B;

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

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

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

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

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

26 (9) information regarding whether:

27 (A) the program is provided on a full-day or

1 half-day basis;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 system under Subsection (e);

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

6 (A) is a recent unschooled immigrant; or

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

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

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

1 the bilingual education or special language program, if any, in
2 which the student is enrolled.

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

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

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

12 (c) Indicators for reporting purposes must include:

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

16 (A) the foundation high school program;

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

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

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

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

1 by grade level and subject area;

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

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

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

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

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

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

1 29.052;

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

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

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

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

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

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

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

27 (2) a comparison of the number of students enrolled in

1 each school district, including:

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

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

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

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

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

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

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

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

27 SECTION 25. Section 48.105(a), Education Code, is amended

1 to read as follows:

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

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

8 (A) 0.1; or

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

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

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

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

21 (1) educationally disadvantaged; or

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

26 SECTION 27. To the extent of any conflict, this Act prevails
27 over another Act of the 87th Legislature, Regular Session, 2021,

S.B. No. 2066

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

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