

## **BILL ANALYSIS**

Senate Research Center  
81R5102 CAS-F

S.B. 548  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As proposed, S.B. 548 improves accountability for programs serving Texas English language learner students (ELLs) by requiring the Texas Education Agency to strengthen its monitoring system for bilingual education and special language programs. This legislation directs the TEA monitoring system (currently the Performance-Based Monitoring Analysis System) to disaggregate data to the campus and grade levels, consider the high school dropout rate separately from the middle school dropout rate, set higher standards for comparing student academic achievement, and track ELL student identification for language services, including instances of parental denial of services.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.062, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.062, Education Code, by amending Subsections (a), (d), and (e), and adding Subsections (a-1), (b-1), (b-2), (d-1), and (f), as follows:

(a) Provides that the legislature recognizes that compliance with this subchapter is an imperative public necessity. Requires the Texas Education Agency (TEA), in accordance with the policy of the state, to evaluate the effectiveness of programs under this subchapter based on the following, disaggregated by campus and school district or open-enrollment charter school: the academic excellence indicators adopted under Section 39.051(a) (regarding the State Board of Education's adoption of a set of indicators of the quality of learning on a campus), including the results of assessment instruments; the results of monitoring under Subsection (b) (regarding performance on the indicators adopted in comparison to state-established standards); the results of analysis under Subsection (b-1) (regarding the criteria for using data to assess performance on the indicators); and the accomplishment of annual improvement goals designated under Subsection (d)(2) (regarding certain students the commissioner does not consider as a dropout or as a student who has failed to attend school whose failure to attend results from adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, or conviction of and sentencing for an offense under the Penal Code).

(a-1) Creates this subsection from existing text. Authorizes TEA to combine but not replace evaluations under this section with federal accountability measures concerning students of limited English proficiency.

(b-1) Requires TEA, in measuring compliance under this subchapter, to analyze certain information disaggregated by campus and school district or open-enrollment charter school.

(b-2) Requires each TEA auditor or monitor, if as a result of a program evaluation under this section TEA conducts a desk audit or on-site monitoring of a campus, school district, or open-enrollment charter school, to be appropriately certified by the State Board for Educator Certification as provided for under Section 29.061 (Bilingual Education and Special Language Program Teachers) for the bilingual education or English as a second language or other special language

program to be audited or monitored. Provides that an emergency endorsement issued under Section 29.061(a) (regarding the certain actions the State Board for Educator Certification is required to undertake regarding issuing teaching certificates appropriate for bilingual education and special language program instruction) is not considered appropriate certification for purposes of this subsection.

(d) Requires TEA to notify in writing a school district concerning a campus's or the district's noncompliance or an open-enrollment charter school concerning the open-enrollment charter school's noncompliance, rather than notify a school district or open-enrollment charter school found in noncompliance in writing, not later than the 30th day after the date of the desk audit or on-site monitoring. Requires the district or open-enrollment charter school to take immediate corrective action. Requires that the corrective action include a review and assessment of certain procedures, materials, credentials, instruction and information, and designation by the district or open-enrollment charter school of annual improvement goals that meet certain criteria.

(d-1) Requires TEA to review annual improvement in a program under this subchapter as measured by the goals designated under Subsection (d)(2). Requires a campus, school district, or open-enrollment charter school with a program that fails to meet one or more annual improvement goals to provide for a program audit conducted by an independent auditor who has experience in implementing programs for students of limited English proficiency and who is appropriately certified as provided for under Section 29.061 for the program to be audited. Requires TEA to take corrective action as appropriate in one or more areas reviewed and assessed under Subsection (d)(1) of a program that fails to meet an annual improvement goal for two or more consecutive school years.

(e) Requires TEA, if a campus, school district, or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner of education (commissioner) for purposes of Subsection (a), to apply sanctions, which are authorized to include the removal of accreditation, loss of foundation school funds, or both.

(f) Requires the commissioner to adopt rules consistent with this section as necessary to administer this section.

SECTION 2. Amends Section 29.066, Education Code, by adding Subsection (d), as follows:

(d) Provides that this subsection applies only to a school district that is required to offer bilingual education or special language programs. Requires the district, during each school year after a district student is transferred out of the district's bilingual education or special language program, to include in the district's Public Education Information Management System (PEIMS) report certain information concerning the student without providing any personally identifiable information concerning the student.

SECTION 3. Amends Section 39.051(b), Education Code, as follows:

(b) Requires that the indicators be based on information that is disaggregated by race, ethnicity, gender, identification as a student of limited English proficiency, and socioeconomic status and include certain information.

SECTION 4. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 5. Effective date: upon passage or September 1, 2009.