

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 548  
By: Zaffirini, Van de Putte  
Education  
4/24/2009  
Committee Report (Substituted)

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

C.S.S.B. 548 amends current law relating to public school accountability for bilingual education and English as a second language and other special language programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.062, Education Code) and SECTION 2 (Section 42.006, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.062, Education Code, as follows:

Sec. 29.062. COMPLIANCE. (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 certain data, disaggregated by campus and school district or open-enrollment charter school, which each district and open-enrollment charter school is required to collect and provide to TEA.

(b) Requires TEA, notwithstanding Subsection (a), for a campus with fewer than 30 students enrolled in bilingual education or English as a second language or other special language programs, to evaluate information specified under Subsection (a) only at the district level.

(b-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-2) Requires each person considered by TEA to be the lead monitor evaluating the effectiveness of programs under this subchapter 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 English as a second language. 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. Deletes existing Subsection (b) relating to certain areas required to be monitored.

(c) Requires TEA, if, as a result of an evaluation under Subsection (a), TEA determines that a school district, campus, or open-enrollment charter school program under this chapter is ineffective, to intervene in the program. Deletes existing text requiring TEA, not later than the 30th day after the date of an on-site monitoring inspection, to report its findings to the school district or open-enrollment charter school and to the division of accreditation.

(d) Requires TEA to notify a school district and if applicable, a campus, or an open-enrollment charter school, rather than a school district or open-enrollment

charter school found in noncompliance, in writing of an intervention under Subsection (c), not later than the 30th day after the first day of the intervention, rather than the 30th day after the date of the on-site monitoring. Deletes existing text requiring the district or open-enrollment charter school to take immediate corrective action.

(d-1) Requires the school district, campus, or open-enrollment charter school with a program determined under this section to be ineffective to immediately review the following to evaluate program effectiveness further:

- (1) procedures for identification of students of limited English proficiency;
- (2) procedures for placement of students in a program under this subchapter;
- (3) student assessment procedures, including assessment of English language proficiency and academic achievement, as defined by commissioner rule, core content areas;
- (4) provision of instruction under the program, including assessment of the quality of instruction and whether the program is being implemented as designed;
- (5) certain credentials of instructional staff;
- (6) professional development provided to content area teachers serving students of limited English proficiency;
- (7) curricular materials used in providing instruction;
- (8) certain district-level program evaluation procedures;
- (9) a rate of parental denial of approval of a student's entry into or placement in a program under this subchapter that is at least 150 percent greater than the state average rate of parental denial;
- (10) any variance of greater than 20 percent between the percentage of students identified as students of limited English proficiency and the percentage of students who speak a language other than English at home, as determined by a certain home language survey; and
- (11) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program.

(d-2) Requires the campus, district, or open-enrollment charter school, on completion of the review under Subsection (d-1), to designate certain annual program improvement goals.

(d-3) Requires TEA to review annual improvement in a program under this subchapter as measured by the goals designated under Subsection (d)(2). Requires TEA to take appropriate corrective action for a campus, district, or open-enrollment charter school program that fails to meet one or more annual improvement goals for two or more consecutive school years.

(e) Requires TEA, if a campus, school district, or open-enrollment charter school program under this subchapter fails to satisfy appropriate standards adopted by the commissioner of education (commissioner) for purposes of Subsection (d-3), rather than 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 42.006, Education Code, by adding Subsection (f), to require the commissioner to adopt rules to ensure that, through the Public Education Information Management System, TEA collects and maintains data regarding whether a student is or while enrolled in a public school in this state has ever been classified as a student of limited English proficiency; the school year in which a student first entered ninth grade; and a student's status as a continuing student, a high school graduate, a recipient of a high school equivalency certificate, or a dropout.

SECTION 3. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a certain appropriation to implement the provision.

SECTION 4. Provides that this Act applies beginning with the 2010-2011 school year.

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