

BILL ANALYSIS

Senate Research Center
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S.B. 53
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to improve accountability for those programs serving students who are Texas English Language Learners (ELLs) by requiring the Texas Education Agency (TEA) to improve its methods for monitoring bilingual education and special language programs. This bill directs the TEA monitoring system, currently the Performance-Based Monitoring Analysis System (PBMAS), to disaggregate data to the campus and grade level; to consider the high school dropout rate separately from the middle school dropout rate; to set higher standards for comparing student academic achievement; and to track ELL student identification for language services, including instances of parental denial of services.

Current law requires all districts to provide bilingual education in elementary schools with 20 or more ELLs who share the same first language. The Texas Education Code also requires that for grades six through eight, districts must provide either English as a Second Language (ESL) or bilingual education. In grades nine through 12, districts are only required to provide ESL (Section 29.053, Education Code). Districts must use the current monitoring system, PBMAS, to ensure compliance for these special language programs. Areas that districts must monitor include program content and design; coverage; identification, classification, and reclassification procedures; staffing; learning and testing materials; and the activities of language proficiency assessment committees (Section 29.062, Education Code). Furthermore, districts must report the number of students served by special language programs, basic demographic information about those students, and the program model in which the students are enrolled (Section 29.066, Education Code). However, TEA does not currently monitor program compliance or the accuracy of dropout rates. S.B. 53 addresses poor accountability and quality of services provided to ELLs by requiring adequate monitoring of program compliance for bilingual education and special language programs.

As proposed, S.B. 53 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) 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 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:

- (1) the student achievement indicators adopted under Section 39.053 (Performance Indicators: Student Achievement), including the results of assessment instruments;

(2) the difference in grade-level retention rates between students of limited English proficiency (LEP) and students who are not students of LEP;

(3) any significant difference in performance on assessment instruments required under Sections 39.023(a) (relating to the adopting or developing of assessment instruments), (c) (relating to adopting of end-of-course assessment instruments for secondary-level courses), and (l) (relating to the adopting of rules for the administration of assessment instruments), as applicable, between students of LEP at the campus or in the district or open-enrollment charter school being evaluated and the state average performance on those assessment instruments of students who are not students of LEP; and

(4) any significant difference in the dropout rate for grade levels 9 through 12 between students of LEP at the campus or in the district or open-enrollment charter school being evaluated and the state average dropout rate of students who are not students of LEP.

(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 prohibits TEA from replacing evaluations under this section with federal accountability measures concerning students of LEP.

(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 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) (relating to the issuance of teaching certificates appropriate for bilingual education instruction) is not considered appropriate certification for purposes of this subsection.

Deletes existing Subsection (b) requiring certain areas to be monitored, including program procedures, activities, and materials.

(c) Requires TEA to intervene in the program 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. Deletes existing text requiring TEA to report its findings to the school district or open-enrollment charter school and to the division of accreditation not later than the 30th day after the date of an on-site monitoring inspection.

(d) Requires TEA to notify a school district, and if applicable, a campus, or an open-enrollment charter school in writing of an intervention under Subsection (c) not later than the 30th day after the first day of the intervention. Deletes existing text requiring TEA to 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 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 certain items to evaluate program effectiveness further. Sets forth the items to be reviewed.

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

(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 school district, campus, or open-enrollment charter school program that fails to meet one or more annual improvement goals for two or more consecutive school years.

(e) Makes conforming and nonsubstantive changes.

(f) Requires the commissioner of education (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 (e), as follows:

(e) Requires the commissioner to adopt rules to ensure that, through the Public Education Information Management System, TEA collects and maintains data regarding:

(1) whether a student is or while enrolled in a public school in this state has ever been classified as a student of LEP;

(2) the school year in which a student first entered ninth grade; and

(3) 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 applies beginning with the 2012-2013 school year.

SECTION 4. Effective date: upon passage or September 1, 2011.