

## **BILL ANALYSIS**

Senate Research Center  
82R10346 VOO-D

S.B. 1622  
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Education  
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As Filed

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

Education of secondary level English language learner (ELL) students in Texas as outlined in current statutes provides very little guidance to school serving secondary ELL students. As a result, the quality of secondary level ESL programs varies greatly and the academic achievement of ELL students lags well below their non-ELL counterparts.

S.B. 1622 is designed to provide greater specificity and direction regarding the design of secondary level programs serving public school students of limited English proficiency. The legislation provides guidance to school districts on the key elements that must be included in their secondary level ELL programs, including student assessment and related identification and placement provisions. The bill also provides some direction regarding use of sheltered English instruction, or other adaption of instruction for ELL students that is as rigorous as regular program curricula, involving teachers who have some expertise in addressing the needs of ELL students, and engaging parents of ELL students. Also included are specific provisions relating to identification and placement of ELL students who are identified as recent immigrants.

S.B. 1622 also requires schools that have not performed at satisfactory levels on ELL-related state standards incorporated into the Performance Based Accountability Monitoring System (PBMAS) to provide professional development to administrators and teaching staff serving ELL students on effective strategies for addressing the specialized needs for such students.

As proposed, S.B. 1622 amends current law relating to a secondary-level English language learners' program for public school students of limited English proficiency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 29.055, Education Code) of this bill.

Rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 2 (Section 29.055, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.053(d), Education Code, as follows:

(d) Requires each district that is required to offer bilingual education and special language programs under this section to offer the following for students of limited English proficiency:

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

(3) a secondary-level English language learners' program, as provided by Sections 29.055(b-1) and (b-2), in grades 9 through 12, rather than instruction in English as a second language in grades 9 through 12.

SECTION 2. Amends Section 29.055, Education Code, by adding Subsections (b-1), (b-2), and (g), as follows:

(b-1) Require that a language program for students of limited English proficiency in post-elementary grades through grade 12, as applicable, as required by Section 29.053(d)(2) or (3), other than a bilingual education program, include the following components:

(1) consistent with Section 29.056 (Enrollment of Students in Program) and any other law:

(A) identification and placement procedures that are based on information concerning a student's proficiency in English and in the student's primary language; and

(B) specialized identification and placement procedures and instructional support services for students who are recent immigrants, as determined under commissioner of education (commissioner) rule, that take into consideration a student's previous school experience;

(2) assessment, approved by the Texas Education Agency (TEA), that:

(A) is administered in English and, in appropriate cases as determined under commissioner rule, in a student's primary language; and

(B) measures a student's progress toward state and district academic performance standards or mastery of subject matter content;

(3) instruction in English as a second language that is aligned with the various levels of English language proficiency of students of limited English proficiency;

(4) in each subject in the required curriculum under Section 28.002 (Required Curriculum) that is designated as a core content area by commissioner rule:

(A) use of sheltered instruction to teach students, using the English language in a manner that enables students to learn both the subject area material and the English language; and

(B) adaptation of the standard curriculum in a manner that results in a curriculum that is consistent with and is as rigorous as the standard secondary-level curriculum; and is consistent with a student's level of proficiency in English;

(5) instruction by teachers who are appropriately certified for English as a second language; and subject area teachers who are trained in adapting instruction for students of limited English proficiency;

(6) a strategy that involves parents of secondary-level students of limited English proficiency and, as appropriate, interested members of the community in assessment of the effectiveness of the program provided under this subsection; and

(7) access to supplemental instructional services for any student of limited English proficiency who does not reach state, district, or campus academic performance standards.

(b-2) Requires a school district, for a campus performing unsatisfactorily, as determined by commissioner rule and consistent with applicable performance standards under TEA's Performance-Based Monitoring Analysis System, in offering language programs to which Subsection (b-1) applies, to require campus educators, including appropriate administrators, associated with such a program to, as provided by State Board for Educator Certification (SBEC) rule, participate in ongoing professional development in effective, research-based practices for serving students of limited English proficiency. Requires a subject area teacher and an administrator serving students of limited English proficiency on the campus, in satisfying the professional development requirements adopted under this subsection, to complete:

(1) at least six semester credit hours of higher education coursework in English as a second language contact methodology; or

(2) professional development, equivalent as determined under SBEC rule in the time commitment necessary for satisfying the requirement under Subdivision (1), in using sheltered instruction to teach a subject area.

(g) Requires the commissioner and SBEC, as applicable, to adopt rules as necessary to administer this section.

SECTION 3. (a) Requires the commissioner, not later than March 1, 2012 to adopt rules as necessary to administer Section 29.055(b-1), Education Code, as added by this Act; and requires SBEC, not later than March 1, 2012, to adopt rules as necessary to administer Section 29.055(b-2), Education Code, as added by this Act.

(b) Requires each school district, beginning with the 2011-2012 school year, to provide programs as provided by Sections 29.055(b-1) and (b-2), Education Code, as added by this Act.

(c) Requires a public school teacher teaching students of limited English proficiency on or before March 1, 2012, to comply with the educational or professional development requirements of that provision not later than March 1, 2014.

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