

BILL ANALYSIS

Senate Research Center
76R3864 CAS-D

S.B. 1
By: Bivins
Education
2/16/1999
Committee Report (Substituted)

DIGEST

Currently, a significant number of people graduate from school without enough reading ability to secure employment in an education-driven economy. While their peers become better prepared for post-secondary education and employment, the deficient readers, as part of a less-educated society, demand more of social services and are more likely to commit crimes. Schools, required to intervene early in the reading performance of a student, could ensure a society educated with better readers.

S.B. 1 requires early reading intervention by schools. Schools would identify students who have proven to read poorly and establish an accelerated reading program for them. If a student continues to perform poorly, a grade placement committee would target the specific academic needs of the student. As a final measure toward establishing reading proficiency, the performance committee would retain the student in the student's current grade level. Early intervention begins with the kindergarten class of 1999-2000, and the earliest grade retention for that class would be the 2002-2003 school year. Parents may appeal retention to the committee.

PURPOSE

As proposed, S.B. 1 requires early reading intervention by schools.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of education in SECTION 4 (Chapter 28B, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.104(b), Education Code, to subject open-enrollment schools to a prohibition, restriction, or requirement imposed on this title regarding reading programs and accelerated instruction. Makes conforming changes.

SECTION 2. Amends Section 25.085(d), Education Code, to make a conforming change.

SECTION 3. Amends Section 28.006, Education Code, by amending Subsection (d) and adding Subsections (g)-(k) to require a school district to notify parents of a student in either kindergarten, first, or second grade who is below acceptable reading levels. Requires the district to implement a research-based accelerated reading instruction program for a child below such levels beginning in certain school years. Requires a school district or an open enrollment district charter school to provide transportation for students required to attend remedial programs under this Act. Require the district to make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear, easy to understand, and written in English or the parent or guardian's native language. Provides that Subsections (i) and (j) expire on January 1, 2002. Makes this section contingent on a sufficient appropriation for funding for administering the reading instruction program each school year.

SECTION 4. Amends Chapter 28B, Education Code, by adding Section 28.0211, as follows:

Sec. 28.0211. SATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS
REQUIRED; ACCELERATED INSTRUCTION. Prohibits a student who failed the reading

assessment instrument under Section 39.023 to pass to certain grades, except as provided by Subsection (e). Requires the school district to provide two additional opportunities to take the assessment instrument to the student and to administer accelerated reading programs at each failure, or take certain steps in the event the student continues to fail, including the establishment of a grade placement committee and an accelerated instructional group. Sets forth requirements for the group. Requires the school district to notify with a good faith effort the student's parents whether the student fails the assessment, is assigned to an instructional program, and the possibility of retention. Requires the student to remain in the same grade level if the student does not pass the assessment within three attempts, in accordance with Subsection (a). Authorizes parents to appeal the retention. Requires the school to provide with a good faith effort parents written notice of the appeal. Authorizes the grade placement committee (committee) to evaluate the request. Authorizes the committee to promote the student only if the student meets certain criteria. Prohibits a student from being promoted on the basis of the committee's decision, unless it is unanimous. Requires the commissioner of education (commissioner) to determine, by rule, the timeliness of meetings and decisions. Provides that this section does not create a property interest in promotion and that the committee's decision is final and may not be appealed. Sets forth requirements for the school district in providing instruction for a student, who after three attempts, failed to perform satisfactorily on an assessment instrument. Provides that this section does not preclude retaining at a grade level a student who performs satisfactorily on an assessment instrument. Makes this section contingent on a sufficient appropriation for funding the administration of the accelerated instruction program. Requires a school district or an open enrollment charter school to provide transportation for students required to attend remedial programs under this Act. Sets forth the several grades to which the assessment instrument applies. Requires the commissioner to issue a report to the legislature no later than December 1, 2000, that reviews the enrollment of students in accelerated instruction programs including accelerated instruction-related teacher professional development programs.

SECTION 5. Amends Chapter 39B, Education Code, by adding Section 39.0231, as follows:

Sec. 39.0231. REPORTING OF RESULTS OF CERTAIN ASSESSMENTS. Requires the Texas Education Agency (agency) to ensure that each assessment instrument administered in accordance with Section 28.0211 is scored and the results are returned to the appropriate school district no later than 10 days after receipt of the test materials.

SECTION 6. Amends Section 39.024(b), Education Code, to offer an incentive program to students for the purposes of and to carry out Section 28.0211.

SECTION 7. Amends Section 39.051(b), Education Code, to set forth information required to be on performance indicators, including the number of students promoted through the grade placement committee process under Section 28.02211, the subject of the assessment instrument, and the performance of students. Makes conforming changes.

SECTION 7. Amends Section 39.052(b), Education Code, to make a conforming change.

SECTION 8. Amends Section 39.072(b), Education Code, to make a conforming change.

SECTION 10. Amends Section 39.073(b), Education Code, to make a conforming change.

SECTION 11. Amends Section 39.074(b), Education Code, to make a conforming change.

SECTION 12. Provides that this Act is contingent on sufficient appropriations to fund professional development for teachers required to teach the remedial programs.

SECTION 13. Effective date: September 1, 1999.

SECTION 14. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 3.

Amends Subsection 28.006(h), to require the school district to make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear, easy to understand, and written in English or the parent or guardian's native language.

Amends Section 28.006, by adding Subsection (k), to make this section contingent on a sufficient appropriation for funding the administration of the reading instruction program each school year.

SECTION 4.

Amends Subsection 28.0211(c), to require the district to notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee. Prohibits an accelerated instruction group from having a ratio of more than 16 students, rather than 20 students, to one teacher. Requires the grade placement committee to be composed partially of the principal or the principal's designee rather than the principal.

Amends Section 28.0211, by adding Subsection (h), to require the school district to make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear, easy to understand, and written in English or the parent or guardian's native language,

Amends Subsection 28.0211(i), to require a school district or an open enrollment district charter school to provide transportation for students required to attend remedial programs under this Act, rather than requiring the commissioner to adopt rules for implementing this section.

Amends Section 28.0211, by adding Subsection (l), to make this section contingent on sufficient funds being appropriated during a school year for administering the accelerated instruction programs under this Act.

Amends Section 28.0211, by adding Subsection (m), to make this section contingent on a sufficient appropriation for funding the administration of the accelerated instruction program each school year. Requires the commissioner to issue a report to the legislature no later than December 1, 2000 that reviews the enrollment of students in accelerated instruction programs including accelerated instruction-related teacher professional development programs.

SECTION 5.

Amends Chapter 39B, Education Code, by adding Section 39.0231, as follows:

Sec. 39.0231. REPORTING OF RESULTS OF CERTAIN ASSESSMENTS. Requires the Texas Education Agency to ensure that each assessment instrument administered in accordance with Section 28.0211 is scored and the results are returned to the appropriate school district no later than 10 days after receipt of the materials.

SECTION 12.

Makes this Act contingent on sufficient appropriations to fund professional development for teachers required to teach the remedial programs.