

BILL ANALYSIS

Senate Research Center
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S.B. 2002
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Pew Research Center, Texas has the second largest Hispanic population in the country, with the Texas State Data Center projecting that Hispanics will make up the majority of Texas' population by 2020. The number of students with limited English proficiency (LEP) has jumped to nearly 50 percent since 1996. The Texas Education Agency reports that 17 percent of Texas public school students have limited English proficiency.

As proposed, S.B. 2002 requires each district that is required to offer bilingual education and special language programs to offer a secondary-level English language learners' program in grades nine through 12 for LEP students. This bill also requires an educator associated with a secondary-level English language learners' program to participate in ongoing professional development.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education and 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, to require each district that is required to offer bilingual and special education programs under this section to offer, for students of limited English proficiency (LEP), 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) Requires that a secondary-level English language learners' program required by Section 29.053(d)(3) include the following components:

(1) consistent with Section 29.056 (Enrollment of Students in Program) and any other law identification and placement procedures that are based on information concerning a student's proficiency in English and in the student's primary language, and 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 is administered in English and, in appropriate cases as determined under commissioner rule, in a student's primary language, and 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 LEP students;

(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 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 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 LEP students;

(6) a strategy that involves parents of secondary-level LEP students 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 LEP student who does not reach state, district, or campus academic performance standards.

(b-2) Requires an educator, including an administrator, associated with a secondary-level English language learners' program under Subsection (b-1), as provided by State Board for Educator Certification (SBEC) rule, to participate in ongoing professional development in effective, research-based practices for serving LEP students. Requires a subject area teacher serving LEP students, in satisfying the professional development requirements adopted under this subsection, to:

(1) not later than the second anniversary of the date the teacher begins teaching LEP students, complete at least six semester credit hours of higher education coursework in English as a second language contact methodology or professional development, equivalent as determined under SBEC rule in the time commitment necessary for satisfying the requirement under Paragraph (A), in using sheltered instruction to teach a subject area; and

(2) after completing the requirement prescribed by Subdivision (1)(A) or (B), annually complete at least 12 hours of professional development in research-based strategies for teaching English as a second language.

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

SECTION 3. (a) Provides that, not later than March 1, 2010, the commissioner is required to adopt rules as necessary to administer Section 29.055(b-1), Education Code, as added by this Act and SBEC is required 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 2010-2011 school year, to provide a secondary-level English language learners' program 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 LEP students on or before March 1, 2010, notwithstanding Section 29.055(b-2)(1), to comply with the educational or professional development requirements of that provision not later than March 1, 2012.

SECTION 4. Effective date: upon passage or September 1, 2009.