

1-1 By: Menéndez S.B. No. 2066
 1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read
 1-3 first time and referred to Committee on Education; April 23, 2021,
 1-4 reported favorably by the following vote: Yeas 10, Nays 0;
 1-5 April 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes			X	
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to emergent bilingual students in public schools.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 21.0452(b), Education Code, is amended
 1-24 to read as follows:
 1-25 (b) The board shall make available at least the following
 1-26 information regarding each educator preparation program:
 1-27 (1) the information specified in Sections 21.045(a)
 1-28 and (b);
 1-29 (2) in addition to any other appropriate information
 1-30 indicating the quality of persons admitted to the program, the
 1-31 average academic qualifications possessed by persons admitted to
 1-32 the program, including:
 1-33 (A) average overall grade point average and
 1-34 average grade point average in specific subject areas; and
 1-35 (B) average scores on the Scholastic Assessment
 1-36 Test (SAT), the American College Test (ACT), or the Graduate Record
 1-37 Examination (GRE), as applicable;
 1-38 (3) the degree to which persons who complete the
 1-39 program are successful in obtaining teaching positions;
 1-40 (4) the extent to which the program prepares teachers,
 1-41 including general education teachers and special education
 1-42 teachers, to effectively teach:
 1-43 (A) students with disabilities; and
 1-44 (B) emergent bilingual students [~~of limited~~
 1-45 ~~English proficiency~~], as defined by Section 29.052;
 1-46 (5) the activities offered by the program that are
 1-47 designed to prepare teachers to:
 1-48 (A) integrate technology effectively into
 1-49 curricula and instruction, including activities consistent with
 1-50 the principles of universal design for learning; and
 1-51 (B) use technology effectively to collect,
 1-52 manage, and analyze data to improve teaching and learning for the
 1-53 purpose of increasing student academic achievement;
 1-54 (6) for each semester, the average ratio of field
 1-55 supervisors to candidates completing student teaching, clinical
 1-56 teaching, or an internship in an educator preparation program;
 1-57 (7) the perseverance of beginning teachers in the
 1-58 profession, based on information reported through the Public
 1-59 Education Information Management System (PEIMS) providing the
 1-60 number of beginning teachers employed as classroom teachers for at
 1-61 least three years after certification in comparison to similar

2-1 programs;

2-2 (8) the results of exit surveys given to program

2-3 participants on completion of the program that involve evaluation

2-4 of the program's effectiveness in preparing participants to succeed

2-5 in the classroom;

2-6 (9) the results of surveys given to school principals

2-7 that involve evaluation of the program's effectiveness in preparing

2-8 participants to succeed in the classroom, based on experience with

2-9 employed program participants; and

2-10 (10) the results of teacher satisfaction surveys

2-11 developed under Section 21.045 and given to program participants at

2-12 the end of the first year of teaching.

2-13 SECTION 2. Sections 21.054(d) and (e), Education Code, are

2-14 amended to read as follows:

2-15 (d) Continuing education requirements for a classroom

2-16 teacher must provide that at least 25 percent of the training

2-17 required every five years include instruction regarding:

2-18 (1) collecting and analyzing information that will

2-19 improve effectiveness in the classroom;

2-20 (2) recognizing early warning indicators that a

2-21 student may be at risk of dropping out of school;

2-22 (3) digital learning, digital teaching, and

2-23 integrating technology into classroom instruction;

2-24 (4) educating diverse student populations, including:

2-25 (A) students who are eligible to participate in

2-26 special education programs under Subchapter A, Chapter 29;

2-27 (B) students who are eligible to receive

2-28 educational services required under Section 504, Rehabilitation

2-29 Act of 1973 (29 U.S.C. Section 794);

2-30 (C) students with mental health conditions or who

2-31 engage in substance abuse;

2-32 (D) students with intellectual or developmental

2-33 disabilities;

2-34 (E) students who are educationally

2-35 disadvantaged;

2-36 (F) emergent bilingual students [~~of limited~~

2-37 ~~English proficiency~~]; and

2-38 (G) students at risk of dropping out of school;

2-39 (5) understanding appropriate relationships,

2-40 boundaries, and communications between educators and students; and

2-41 (6) how mental health conditions, including grief and

2-42 trauma, affect student learning and behavior and how

2-43 evidence-based, grief-informed, and trauma-informed strategies

2-44 support the academic success of students affected by grief and

2-45 trauma.

2-46 (e) Continuing education requirements for a principal must

2-47 provide that at least 25 percent of the training required every five

2-48 years include instruction regarding:

2-49 (1) effective and efficient management, including:

2-50 (A) collecting and analyzing information;

2-51 (B) making decisions and managing time; and

2-52 (C) supervising student discipline and managing

2-53 behavior;

2-54 (2) recognizing early warning indicators that a

2-55 student may be at risk of dropping out of school;

2-56 (3) digital learning, digital teaching, and

2-57 integrating technology into campus curriculum and instruction;

2-58 (4) effective implementation of a comprehensive

2-59 school counseling program under Section 33.005;

2-60 (5) mental health programs addressing a mental health

2-61 condition;

2-62 (6) educating diverse student populations, including:

2-63 (A) students who are eligible to participate in

2-64 special education programs under Subchapter A, Chapter 29;

2-65 (B) students with intellectual or developmental

2-66 disabilities;

2-67 (C) students who are eligible to receive

2-68 educational services required under Section 504, Rehabilitation

2-69 Act of 1973 (29 U.S.C. Section 794);

3-1 (D) students with mental health conditions or who
 3-2 engage in substance abuse;
 3-3 (E) students who are educationally
 3-4 disadvantaged;
 3-5 (F) emergent bilingual students [~~of limited~~
 3-6 ~~English proficiency~~]; and
 3-7 (G) students at risk of dropping out of school;
 3-8 (7) preventing, recognizing, and reporting any sexual
 3-9 conduct between an educator and student that is prohibited under
 3-10 Section 21.12, Penal Code, or for which reporting is required under
 3-11 Section 21.006 of this code; and
 3-12 (8) how mental health conditions, including grief and
 3-13 trauma, affect student learning and behavior and how
 3-14 evidence-based, grief-informed, and trauma-informed strategies
 3-15 support the academic success of students affected by grief and
 3-16 trauma.

3-17 SECTION 3. Section 21.4551(b), Education Code, is amended
 3-18 to read as follows:

3-19 (b) A reading academy developed under this section must
 3-20 include training in:

3-21 (1) for a teacher providing instruction in reading to
 3-22 students at the seventh or eighth grade level:

3-23 (A) administration of the reading instrument
 3-24 required by Section 28.006(c-1); and

3-25 (B) interpretation of the results of the reading
 3-26 instrument required by Section 28.006(c-1) and strategies, based on
 3-27 scientific research regarding effective reading instruction, for
 3-28 long-term intensive intervention to target identified student
 3-29 needs in word recognition, vocabulary, fluency, and comprehension;

3-30 (2) for a teacher providing instruction in reading to
 3-31 students at the sixth, seventh, or eighth grade level:

3-32 (A) strategies to be implemented in English
 3-33 language arts and other subject areas for multisyllable word
 3-34 reading, vocabulary development, and comprehension of expository
 3-35 and narrative text;

3-36 (B) an adaptation framework that enables
 3-37 teachers to respond to differing student strengths and needs,
 3-38 including adaptations for emergent bilingual students [~~of limited~~
 3-39 ~~English proficiency~~] or students receiving special education
 3-40 services under Subchapter A, Chapter 29;

3-41 (C) collaborative strategies to increase active
 3-42 student involvement and motivation to read; and

3-43 (D) other areas identified by the commissioner as
 3-44 essential components of reading instruction; and

3-45 (3) for a teacher providing instruction in
 3-46 mathematics, science, or social studies to students at the sixth,
 3-47 seventh, or eighth grade level:

3-48 (A) strategies for incorporating reading
 3-49 instruction into the curriculum for the subject area taught by the
 3-50 teacher; and

3-51 (B) other areas identified by the commissioner.

3-52 SECTION 4. Section 21.457, Education Code, is amended to
 3-53 read as follows:

3-54 Sec. 21.457. TRAINING FOR TEACHERS OF EMERGENT BILINGUAL
 3-55 STUDENTS [~~OF LIMITED ENGLISH PROFICIENCY~~]. The commissioner shall
 3-56 develop and make available training materials and other teacher
 3-57 training resources to assist teachers in developing the expertise
 3-58 required to enable emergent bilingual students [~~of limited English~~
 3-59 ~~proficiency~~] to meet state performance expectations.

3-60 SECTION 5. Section 29.051, Education Code, is amended to
 3-61 read as follows:

3-62 Sec. 29.051. STATE POLICY. English is the basic language of
 3-63 this state. Public schools are responsible for providing a full
 3-64 opportunity for all students to become competent in speaking,
 3-65 reading, writing, and comprehending the English language. Large
 3-66 numbers of students in the state come from environments in which the
 3-67 primary language is other than English. Experience has shown that
 3-68 public school classes in which instruction is given only in English
 3-69 are often inadequate for the education of those students. The

4-1 mastery of basic English language skills is a prerequisite for
 4-2 effective participation in the state's educational program.
 4-3 Bilingual education and special language programs can meet the
 4-4 needs of those students and facilitate their integration into the
 4-5 regular school curriculum. Therefore, in accordance with the
 4-6 policy of the state to ensure equal educational opportunity to
 4-7 every student, and in recognition of the educational needs of
 4-8 emergent bilingual students [~~of limited English proficiency~~], this
 4-9 subchapter provides for the establishment of bilingual education
 4-10 and special language programs in the public schools and provides
 4-11 supplemental financial assistance to help school districts meet the
 4-12 extra costs of the programs.

4-13 SECTION 6. Section 29.052(1), Education Code, is amended to
 4-14 read as follows:

4-15 (1) "Emergent bilingual student [~~Student of limited~~
 4-16 ~~English proficiency~~]" means a student whose primary language is
 4-17 other than English and whose English language skills are such that
 4-18 the student has difficulty performing ordinary classwork in
 4-19 English.

4-20 SECTION 7. Sections 29.053(b), (c), and (d), Education
 4-21 Code, are amended to read as follows:

4-22 (b) Within the first four weeks following the first day of
 4-23 school, the language proficiency assessment committee established
 4-24 under Section 29.063 shall determine and report to the board of
 4-25 trustees of the district the number of emergent bilingual students
 4-26 [~~of limited English proficiency~~] on each campus and shall classify
 4-27 each student according to the language in which the student
 4-28 possesses primary proficiency. The board shall report that
 4-29 information to the agency before November 1 each year.

4-30 (c) Each district with an enrollment of 20 or more emergent
 4-31 bilingual students [~~of limited English proficiency~~] in any language
 4-32 classification in the same grade level shall offer a bilingual
 4-33 education or special language program.

4-34 (d) Each district that is required to offer bilingual
 4-35 education and special language programs under this section shall
 4-36 offer the following for emergent bilingual students [~~of limited~~
 4-37 ~~English proficiency~~]:

4-38 (1) bilingual education in kindergarten through the
 4-39 elementary grades;

4-40 (2) bilingual education, instruction in English as a
 4-41 second language, or other transitional language instruction
 4-42 approved by the agency in post-elementary grades through grade 8;
 4-43 and

4-44 (3) instruction in English as a second language in
 4-45 grades 9 through 12.

4-46 SECTION 8. Sections 29.054(b) and (d), Education Code, are
 4-47 amended to read as follows:

4-48 (b) An application for an exception may be filed with the
 4-49 agency when a district is unable to hire a sufficient number of
 4-50 teachers with teaching certificates appropriate for bilingual
 4-51 education instruction to staff the required program. The
 4-52 application must be accompanied by:

4-53 (1) documentation showing that the district has taken
 4-54 all reasonable affirmative steps to secure teachers with teaching
 4-55 certificates appropriate for bilingual education instruction and
 4-56 has failed;

4-57 (2) documentation showing that the district has
 4-58 affirmative hiring policies and procedures consistent with the need
 4-59 to serve emergent bilingual [~~limited English proficiency~~]
 4-60 students;

4-61 (3) documentation showing that, on the basis of
 4-62 district records, no teacher having a teaching certificate
 4-63 appropriate for bilingual instruction or emergency credentials has
 4-64 been unjustifiably denied employment by the district within the
 4-65 past 12 months; and

4-66 (4) a plan detailing specific measures to be used by
 4-67 the district to eliminate the conditions that created the need for
 4-68 an exception.

4-69 (d) During the period for which a district is granted an

5-1 exception under this section, the district must use alternative
 5-2 methods approved by the agency to meet the needs of its emergent
 5-3 bilingual students [~~of limited English proficiency~~], including
 5-4 hiring teaching personnel under a bilingual emergency permit.

5-5 SECTION 9. Section 29.055(c), Education Code, is amended to
 5-6 read as follows:

5-7 (c) In subjects such as art, music, and physical education,
 5-8 emergent bilingual students [~~of limited English proficiency~~] shall
 5-9 participate fully with English-speaking students in regular
 5-10 classes provided in the subjects.

5-11 SECTION 10. Sections 29.056(a), (c), (d), and (g),
 5-12 Education Code, are amended to read as follows:

5-13 (a) The agency shall establish standardized criteria for
 5-14 the identification, assessment, and classification of emergent
 5-15 bilingual students [~~of limited English proficiency~~] eligible for
 5-16 entry into the program or exit from the program. The student's
 5-17 parent must approve a student's entry into the program, exit from
 5-18 the program, or placement in the program. The school district or
 5-19 parent may appeal the decision under Section 29.064. The criteria
 5-20 for identification, assessment, and classification may include:

5-21 (1) results of a home language survey conducted within
 5-22 four weeks of each student's enrollment to determine the language
 5-23 normally used in the home and the language normally used by the
 5-24 student, conducted in English and the home language, signed by the
 5-25 student's parents if the student is in kindergarten through grade 8
 5-26 or by the student if the student is in grades 9 through 12, and kept
 5-27 in the student's permanent folder by the language proficiency
 5-28 assessment committee;

5-29 (2) the results of an agency-approved English language
 5-30 proficiency test administered to all students identified through
 5-31 the home survey as normally speaking a language other than English
 5-32 to determine the level of English language proficiency, with
 5-33 students in kindergarten or grade 1 being administered an oral
 5-34 English proficiency test and students in grades 2 through 12 being
 5-35 administered an oral and written English proficiency test; and

5-36 (3) the results of an agency-approved proficiency test
 5-37 in the primary language administered to all students identified
 5-38 under Subdivision (2) as being of limited English proficiency to
 5-39 determine the level of primary language proficiency, with students
 5-40 in kindergarten or grade 1 being administered an oral primary
 5-41 language proficiency test and students in grades 2 through 12 being
 5-42 administered an oral and written primary language proficiency test.

5-43 (c) The language proficiency assessment committee may
 5-44 classify a student as emergent bilingual [~~limited English~~
 5-45 ~~proficiency~~] if:

5-46 (1) the student's ability in English is so limited or
 5-47 the student's disabilities are so severe that assessment procedures
 5-48 cannot be administered;

5-49 (2) the student's score or relative degree of
 5-50 achievement on the agency-approved English proficiency test is
 5-51 below the levels established by the agency as indicative of
 5-52 reasonable proficiency;

5-53 (3) the student's primary language proficiency score
 5-54 as measured by an agency-approved test is greater than the
 5-55 student's proficiency in English; or

5-56 (4) the language proficiency assessment committee
 5-57 determines, based on other information, including a teacher
 5-58 evaluation, parental viewpoint, or student interview, that the
 5-59 student's primary language proficiency is greater than the
 5-60 student's proficiency in English or that the student is not
 5-61 reasonably proficient in English.

5-62 (d) Not later than the 10th day after the date of the
 5-63 student's classification as an emergent bilingual [~~a~~] student [~~of~~
 5-64 ~~limited English proficiency~~], the language proficiency assessment
 5-65 committee shall give written notice of the classification to the
 5-66 student's parent. The notice must be in English and the parent's
 5-67 primary language. The parents of students eligible to participate
 5-68 in the required bilingual education program shall be informed of
 5-69 the benefits of the bilingual education or special language program

6-1 and that it is an integral part of the school program.

6-2 (g) A district may transfer an emergent bilingual [a]
6-3 student [~~of limited English proficiency~~] out of a bilingual
6-4 education or special language program for the first time or a
6-5 subsequent time if the student is able to participate equally in a
6-6 regular all-English instructional program as determined by:

6-7 (1) agency-approved tests administered at the end of
6-8 each school year to determine the extent to which the student has
6-9 developed oral and written language proficiency and specific
6-10 language skills in English;

6-11 (2) satisfactory performance on the reading
6-12 assessment instrument under Section 39.023(a) or an English
6-13 language arts assessment instrument under Section 39.023(c), as
6-14 applicable, with the assessment instrument administered in
6-15 English, or, if the student is enrolled in the first or second
6-16 grade, an achievement score at or above the 40th percentile in the
6-17 reading and language arts sections of an English standardized test
6-18 approved by the agency; and

6-19 (3) agency-approved criterion-referenced tests and
6-20 the results of a subjective teacher evaluation.

6-21 SECTION 11. Section 29.059(b), Education Code, is amended
6-22 to read as follows:

6-23 (b) A school district may allow a nonresident emergent
6-24 bilingual student [~~of limited English proficiency~~] to enroll in or
6-25 attend its bilingual education or special language programs if the
6-26 student's district of residence does not provide an appropriate
6-27 program. The tuition for the student shall be paid by the district
6-28 in which the student resides.

6-29 SECTION 12. Sections 29.060(a) and (d), Education Code, are
6-30 amended to read as follows:

6-31 (a) Each school district that is required to offer a
6-32 bilingual education or special language program shall offer a
6-33 voluntary program for emergent bilingual children [~~of limited~~
6-34 ~~English proficiency~~] who will be eligible for admission to
6-35 kindergarten or the first grade at the beginning of the next school
6-36 year. A school that operates on a system permitted by this code
6-37 other than a semester system shall offer 120 hours of instruction on
6-38 a schedule the board of trustees of the district establishes. A
6-39 school that operates on a semester system shall offer the program:

6-40 (1) during the period school is recessed for the
6-41 summer; and

6-42 (2) for one-half day for eight weeks or on a similar
6-43 schedule approved by the board of trustees.

6-44 (d) A school district may establish on a full- or part-time
6-45 basis other summer school, extended day, or extended week bilingual
6-46 education or special language programs for emergent bilingual
6-47 students [~~of limited English proficiency~~] and may join with other
6-48 districts in establishing the programs.

6-49 SECTION 13. Section 29.062(a), Education Code, is amended
6-50 to read as follows:

6-51 (a) The legislature recognizes that compliance with this
6-52 subchapter is an imperative public necessity. Therefore, in
6-53 accordance with the policy of the state, the agency shall evaluate
6-54 the effectiveness of programs under this subchapter based on the
6-55 achievement indicators adopted under Section 39.053(c), including
6-56 the results of assessment instruments. The agency may combine
6-57 evaluations under this section with federal accountability
6-58 measures concerning emergent bilingual students [~~of limited~~
6-59 ~~English proficiency~~].

6-60 SECTION 14. Sections 29.063(b) and (c), Education Code, are
6-61 amended to read as follows:

6-62 (b) Each committee shall include a professional bilingual
6-63 educator, a professional transitional language educator, a parent
6-64 of an emergent bilingual [~~a limited English proficiency~~] student,
6-65 and a campus administrator.

6-66 (c) The language proficiency assessment committee shall:

6-67 (1) review all pertinent information on emergent
6-68 bilingual [~~limited English proficiency~~] students, including the
6-69 home language survey, the language proficiency tests in English and

7-1 the primary language, each student's achievement in content areas,
7-2 and each student's emotional and social attainment;

7-3 (2) make recommendations concerning the most
7-4 appropriate placement for the educational advancement of the
7-5 emergent bilingual [~~limited English proficiency~~] student after the
7-6 elementary grades;

7-7 (3) review each emergent bilingual [~~limited English~~
7-8 ~~proficiency~~] student's progress at the end of the school year in
7-9 order to determine future appropriate placement;

7-10 (4) monitor the progress of students formerly
7-11 classified as emergent bilingual [~~limited English proficiency~~] who
7-12 have transferred out of the bilingual education or special language
7-13 program and, based on the information, designate the most
7-14 appropriate placement for such students; and

7-15 (5) determine the appropriateness of a program that
7-16 extends beyond the regular school year based on the needs of each
7-17 emergent bilingual [~~limited English proficiency~~] student.

7-18 SECTION 15. Sections 29.066(a) and (b), Education Code, are
7-19 amended to read as follows:

7-20 (a) A school district that is required to offer bilingual
7-21 education or special language programs shall include the following
7-22 information in the district's Public Education Information
7-23 Management System (PEIMS) report:

7-24 (1) demographic information, as determined by the
7-25 commissioner, on students enrolled in district bilingual education
7-26 or special language programs;

7-27 (2) the number and percentage of students enrolled in
7-28 each instructional model of a bilingual education or special
7-29 language program offered by the district; and

7-30 (3) the number and percentage of students identified
7-31 as emergent bilingual students [~~of limited English proficiency~~] who
7-32 do not receive specialized instruction.

7-33 (b) For purposes of this section, the commissioner shall
7-34 adopt rules to classify programs under this section as follows:

7-35 (1) if the program is a bilingual education program,
7-36 the program must be classified under the Public Education
7-37 Information Management System (PEIMS) report as:

7-38 (A) transitional bilingual/early exit: a
7-39 bilingual program that serves students identified as emergent
7-40 bilingual students [~~of limited English proficiency~~] in both English
7-41 and Spanish and transfers a student to English-only instruction not
7-42 earlier than two or later than five years after the student enrolls
7-43 in school;

7-44 (B) transitional bilingual/late exit: a
7-45 bilingual program that serves students identified as emergent
7-46 bilingual students [~~of limited English proficiency~~] in both English
7-47 and Spanish and transfers a student to English-only instruction not
7-48 earlier than six or later than seven years after the student enrolls
7-49 in school;

7-50 (C) dual language immersion/two-way: a
7-51 biliteracy program that integrates students proficient in English
7-52 and students identified as emergent bilingual students [~~of limited~~
7-53 ~~English proficiency~~] in both English and Spanish and transfers a
7-54 student identified as an emergent bilingual [a] student [~~of limited~~
7-55 ~~English proficiency~~] to English-only instruction not earlier than
7-56 six or later than seven years after the student enrolls in school;
7-57 or

7-58 (D) dual language immersion/one-way: a
7-59 biliteracy program that serves only students identified as emergent
7-60 bilingual students [~~of limited English proficiency~~] in both English
7-61 and Spanish and transfers a student to English-only instruction not
7-62 earlier than six or later than seven years after the student enrolls
7-63 in school; and

7-64 (2) if the program is a special language program, the
7-65 program must be classified under the Public Education Information
7-66 Management System (PEIMS) report as:

7-67 (A) English as a second language/content-based:
7-68 an English program that serves students identified as emergent
7-69 bilingual students [~~of limited English proficiency~~] in English only

8-1 by providing a full-time teacher certified under Section 29.061(c)
 8-2 to provide supplementary instruction for all content area
 8-3 instruction; or

8-4 (B) English as a second language/pull-out: an
 8-5 English program that serves students identified as emergent
 8-6 bilingual students [~~of limited English proficiency~~] in English only
 8-7 by providing a part-time teacher certified under Section 29.061(c)
 8-8 to provide English language arts instruction exclusively, while the
 8-9 student remains in a mainstream instructional arrangement in the
 8-10 remaining content areas.

8-11 SECTION 16. Section 29.081(d), Education Code, as amended
 8-12 by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051),
 8-13 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
 8-14 and amended to read as follows:

8-15 (d) For purposes of this section, "student at risk of
 8-16 dropping out of school" includes each student who:

8-17 (1) is under 26 years of age and who:

8-18 (A) was not advanced from one grade level to the
 8-19 next for one or more school years;

8-20 (B) if the student is in grade 7, 8, 9, 10, 11, or
 8-21 12, did not maintain an average equivalent to 70 on a scale of 100 in
 8-22 two or more subjects in the foundation curriculum during a semester
 8-23 in the preceding or current school year or is not maintaining such
 8-24 an average in two or more subjects in the foundation curriculum in
 8-25 the current semester;

8-26 (C) did not perform satisfactorily on an
 8-27 assessment instrument administered to the student under Subchapter
 8-28 B, Chapter 39, and who has not in the previous or current school
 8-29 year subsequently performed on that instrument or another
 8-30 appropriate instrument at a level equal to at least 110 percent of
 8-31 the level of satisfactory performance on that instrument;

8-32 (D) if the student is in prekindergarten,
 8-33 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
 8-34 a readiness test or assessment instrument administered during the
 8-35 current school year;

8-36 (E) is pregnant or is a parent;

8-37 (F) has been placed in an alternative education
 8-38 program in accordance with Section 37.006 during the preceding or
 8-39 current school year;

8-40 (G) has been expelled in accordance with Section
 8-41 37.007 during the preceding or current school year;

8-42 (H) is currently on parole, probation, deferred
 8-43 prosecution, or other conditional release;

8-44 (I) was previously reported through the Public
 8-45 Education Information Management System (PEIMS) to have dropped out
 8-46 of school;

8-47 (J) is an emergent bilingual [~~a~~] student [~~of~~
 8-48 ~~limited English proficiency~~], as defined by Section 29.052;

8-49 (K) is in the custody or care of the Department of
 8-50 Family and Protective Services or has, during the current school
 8-51 year, been referred to the department by a school official, officer
 8-52 of the juvenile court, or law enforcement official;

8-53 (L) is homeless;

8-54 (M) resided in the preceding school year or
 8-55 resides in the current school year in a residential placement
 8-56 facility in the district, including a detention facility, substance
 8-57 abuse treatment facility, emergency shelter, psychiatric hospital,
 8-58 halfway house, cottage home operation, specialized child-care
 8-59 home, or general residential operation; or

8-60 (N) [~~(14)~~] has been incarcerated or has a parent
 8-61 or guardian who has been incarcerated, within the lifetime of the
 8-62 student, in a penal institution as defined by Section 1.07, Penal
 8-63 Code; or

8-64 (2) regardless of the student's age, participates in
 8-65 an adult education program provided under a high school diploma and
 8-66 industry certification charter school program under Section
 8-67 29.259.

8-68 SECTION 17. Section 29.091(f), Education Code, is amended
 8-69 to read as follows:

9-1 (f) Each school district participating in the program
9-2 shall, in the manner and within the time prescribed by commissioner
9-3 rule, provide to the agency an annual written report that includes:
9-4 (1) a detailed description of the district's plan, as
9-5 implemented;
9-6 (2) the number and grade levels of participating
9-7 students;
9-8 (3) demographic information for participating
9-9 students, including the percentage of students of each applicable
9-10 race and ethnicity, the percentage of educationally disadvantaged
9-11 students, the percentage of emergent bilingual students [~~of limited~~
9-12 ~~English proficiency~~] as defined by Section 29.052, the percentage
9-13 of students enrolled in a school district special education program
9-14 under Subchapter A, and the percentage of students enrolled in a
9-15 district bilingual education program under Subchapter B;
9-16 (4) school attendance rates for participating
9-17 students, before, during, and after program participation, as
9-18 applicable;
9-19 (5) specific information that demonstrates whether
9-20 the purposes described by Subsections (b)(2) and (3) have been
9-21 achieved, including the results of assessment instruments
9-22 administered under Section 39.023 for participating students,
9-23 before, during, and after program participation, as applicable;
9-24 (6) aggregate results of assessment instruments
9-25 administered under Section 39.023 for students of participating
9-26 classroom teachers, new teachers, and student teachers, before,
9-27 during, and after program participation by the students, as
9-28 applicable;
9-29 (7) information regarding the manner in which teachers
9-30 are selected for participation in the program and the manner in
9-31 which teachers are compensated for their participation;
9-32 (8) statistical information for participating
9-33 classroom teachers, new teachers, and student teachers, including
9-34 the number of years employed in the teaching profession, the number
9-35 of years teaching in the district in which the program is provided,
9-36 the category and class of educator certification held, the highest
9-37 level of academic degree earned, race, ethnicity, and gender;
9-38 (9) information regarding whether:
9-39 (A) the program is provided on a full-day or
9-40 half-day basis;
9-41 (B) the program is voluntary or mandatory for
9-42 educationally disadvantaged students;
9-43 (C) the district has partnered with an outside
9-44 provider to provide any supplemental service;
9-45 (D) the district provides transportation to
9-46 participating students; and
9-47 (E) the district offers the program to students
9-48 who are not educationally disadvantaged and, if so, under what
9-49 circumstances;
9-50 (10) information on retention in the teaching
9-51 profession of the participating teachers, including new teachers
9-52 and student teachers; and
9-53 (11) any other information required by commissioner
9-54 rule.

9-55 SECTION 18. Section 39.023(1), Education Code, is amended
9-56 to read as follows:

9-57 (1) The State Board of Education shall adopt rules for the
9-58 administration of the assessment instruments adopted under
9-59 Subsection (a) in Spanish to emergent bilingual students in grades
9-60 three through five [~~who are of limited English proficiency~~], as
9-61 defined by Section 29.052, whose primary language is Spanish, and
9-62 who are not otherwise exempt from the administration of an
9-63 assessment instrument under Section 39.027(a)(1) or (2). Each
9-64 emergent bilingual student [~~of limited English proficiency~~] whose
9-65 primary language is Spanish, other than a student to whom
9-66 Subsection (b) applies, may be assessed using assessment
9-67 instruments in Spanish under this subsection for up to three years
9-68 or assessment instruments in English under Subsection (a). The
9-69 language proficiency assessment committee established under

10-1 Section 29.063 shall determine which students are administered
 10-2 assessment instruments in Spanish under this subsection.

10-3 SECTION 19. Section 39.0241(d), Education Code, is amended
 10-4 to read as follows:

10-5 (d) Using funds appropriated for purposes of this
 10-6 subsection, the agency shall develop and make available teacher
 10-7 training materials and other teacher training resources to assist
 10-8 teachers in enabling emergent bilingual students [~~of limited~~
 10-9 ~~English proficiency~~] to meet state performance expectations. The
 10-10 teacher training resources shall be designed to support intensive,
 10-11 individualized, and accelerated instructional programs developed
 10-12 by school districts for emergent bilingual students [~~of limited~~
 10-13 ~~English proficiency~~].

10-14 SECTION 20. Sections 39.027(a) and (e), Education Code, are
 10-15 amended to read as follows:

10-16 (a) A student may be administered an accommodated or
 10-17 alternative assessment instrument or may be granted an exemption
 10-18 from or a postponement of the administration of an assessment
 10-19 instrument under:

10-20 (1) Section 39.023(a), (b), (c), or (l) for a period of
 10-21 up to one year after initial enrollment in a school in the United
 10-22 States if the student is an emergent bilingual student [~~of limited~~
 10-23 ~~English proficiency~~], as defined by Section 29.052, and has not
 10-24 demonstrated proficiency in English as determined by the assessment
 10-25 system under Subsection (e);

10-26 (2) Section 39.023(a), (b), (c), or (l) for a period of
 10-27 up to two years in addition to the exemption period authorized by
 10-28 Subdivision (1) if the student has received an exemption under
 10-29 Subdivision (1) and:

10-30 (A) is a recent unschooled immigrant; or

10-31 (B) is in a grade for which no assessment
 10-32 instrument in the primary language of the student is available; or

10-33 (3) Section 39.023(a), (b), (c), or (l) for a period of
 10-34 up to four years, in addition to the exemption period authorized
 10-35 under Subdivision (1), if the student's initial enrollment in a
 10-36 school in the United States was as an unschooled asylee or refugee.

10-37 (e) The commissioner shall develop an assessment system
 10-38 that shall be used for evaluating the academic progress, including
 10-39 reading proficiency in English, of all emergent bilingual students
 10-40 [~~of limited English proficiency~~], as defined by Section 29.052. A
 10-41 student who is exempt from the administration of an assessment
 10-42 instrument under Subsection (a)(1) or (2) who achieves reading
 10-43 proficiency in English as determined by the assessment system
 10-44 developed under this subsection shall be administered the
 10-45 assessment instruments described by Sections 39.023(a) and (c).
 10-46 The performance under the assessment system developed under this
 10-47 subsection of students to whom Subsection (a)(1) or (2) applies
 10-48 shall be included in the indicator systems under Section 39.301, as
 10-49 applicable, the performance report under Section 39.306, and the
 10-50 comprehensive biennial report under Section 39.332. This
 10-51 information shall be provided in a manner that is disaggregated by
 10-52 the bilingual education or special language program, if any, in
 10-53 which the student is enrolled.

10-54 SECTION 21. Section 39.034(b), Education Code, is amended
 10-55 to read as follows:

10-56 (b) For emergent bilingual students [~~of limited English~~
 10-57 ~~proficiency~~], as defined by Section 29.052, the agency shall use a
 10-58 student's performance data on reading proficiency assessment
 10-59 instruments in English and one other language to calculate the
 10-60 student's progress toward dual language proficiency.

10-61 SECTION 22. Sections 39.301(c) and (d), Education Code, are
 10-62 amended to read as follows:

10-63 (c) Indicators for reporting purposes must include:

10-64 (1) the percentage of graduating students who meet the
 10-65 course requirements established by State Board of Education rule
 10-66 for:

10-67 (A) the foundation high school program;

10-68 (B) the distinguished level of achievement under
 10-69 the foundation high school program; and

(C) each endorsement described by Section

11-2 28.025(c-1);

11-3 (2) the results of the SAT, ACT, and certified
11-4 workforce training programs described by Chapter 311, Labor Code;

11-5 (3) for students who have failed to perform
11-6 satisfactorily, under each performance standard under Section
11-7 39.0241, on an assessment instrument required under Section
11-8 39.023(a) or (c), the performance of those students on subsequent
11-9 assessment instruments required under those sections, aggregated
11-10 by grade level and subject area;

11-11 (4) for each campus, the number of students,
11-12 disaggregated by major student subpopulations, that take courses
11-13 under the foundation high school program and take additional
11-14 courses to earn an endorsement under Section 28.025(c-1),
11-15 disaggregated by type of endorsement;

11-16 (5) the percentage of students, aggregated by grade
11-17 level, provided accelerated instruction under Section 28.0211(c),
11-18 the results of assessment instruments administered under that
11-19 section, the percentage of students promoted through the grade
11-20 placement committee process under Section 28.0211, the subject of
11-21 the assessment instrument on which each student failed to perform
11-22 satisfactorily under each performance standard under Section
11-23 39.0241, and the performance of those students in the school year
11-24 following that promotion on the assessment instruments required
11-25 under Section 39.023;

11-26 (6) the percentage of emergent bilingual students [~~of~~
11-27 ~~limited English proficiency~~] exempted from the administration of an
11-28 assessment instrument under Sections 39.027(a)(1) and (2);

11-29 (7) the percentage of students in a special education
11-30 program under Subchapter A, Chapter 29, assessed through assessment
11-31 instruments developed or adopted under Section 39.023(b);

11-32 (8) the percentage of students who satisfy the college
11-33 readiness measure;

11-34 (9) the measure of progress toward dual language
11-35 proficiency under Section 39.034(b), for emergent bilingual
11-36 students [~~of limited English proficiency~~], as defined by Section
11-37 29.052;

11-38 (10) the percentage of students who are not
11-39 educationally disadvantaged;

11-40 (11) the percentage of students who enroll and begin
11-41 instruction at an institution of higher education in the school
11-42 year following high school graduation; and

11-43 (12) the percentage of students who successfully
11-44 complete the first year of instruction at an institution of higher
11-45 education without needing a developmental education course.

11-46 (d) Performance on the indicators described by Section
11-47 39.053(c) and Subsections (c)(3), (4), and (9) must be based on
11-48 longitudinal student data that is disaggregated by the bilingual
11-49 education or special language program, if any, in which emergent
11-50 bilingual students [~~of limited English proficiency~~], as defined by
11-51 Section 29.052, are or former emergent bilingual students [~~of~~
11-52 ~~limited English proficiency~~] were enrolled. If a student described
11-53 by this subsection is not or was not enrolled in specialized
11-54 language instruction, the number and percentage of those students
11-55 shall be provided.

11-56 SECTION 23. Section 39.309(c), Education Code, is amended
11-57 to read as follows:

11-58 (c) The Texas School Accountability Dashboard developed
11-59 under Subsection (a) must include:

11-60 (1) performance information for each school district
11-61 and campus in areas specified by Subsection (b) and must allow for
11-62 comparison between districts and campuses in each of the areas;

11-63 (2) a comparison of the number of students enrolled in
11-64 each school district, including:

11-65 (A) the percentage of emergent bilingual
11-66 students [~~of limited English proficiency~~], as defined by Section
11-67 29.052;

11-68 (B) the percentage of students who are unschooled
11-69 asylees or refugees, as defined by Section 39.027(a-1);

12-1 (C) the percentage of students who are
12-2 educationally disadvantaged; and
12-3 (D) the percentage of students with
12-4 disabilities;

12-5 (3) a comparison of performance information for each
12-6 district and campus disaggregated by race, ethnicity, and
12-7 populations served by special programs, including special
12-8 education, bilingual education, and special language programs; and

12-9 (4) a comparison of performance information by subject
12-10 area.

12-11 SECTION 24. Section 39.332(d), Education Code, is amended
12-12 to read as follows:

12-13 (d) In reporting the information required by Subsections
12-14 (b)(3), (5), and (7), the agency shall separately aggregate the
12-15 longitudinal performance data of all students identified as
12-16 emergent bilingual students [~~of limited English proficiency~~], as
12-17 defined by Section 29.052, or former emergent bilingual students
12-18 [~~of limited English proficiency~~], disaggregated by bilingual
12-19 education or special language program instructional model, if any,
12-20 in which the students are or were enrolled.

12-21 SECTION 25. Section 48.105(a), Education Code, is amended
12-22 to read as follows:

12-23 (a) For each student in average daily attendance in a
12-24 bilingual education or special language program under Subchapter B,
12-25 Chapter 29, a district is entitled to an annual allotment equal to
12-26 the basic allotment multiplied by:

12-27 (1) for an emergent bilingual [~~a~~] student [~~of limited~~
12-28 ~~English proficiency~~], as defined by Section 29.052:

12-29 (A) 0.1; or

12-30 (B) 0.15 if the student is in a bilingual
12-31 education program using a dual language immersion/one-way or
12-32 two-way program model; and

12-33 (2) for a student not described by Subdivision (1),
12-34 0.05 if the student is in a bilingual education program using a dual
12-35 language immersion/two-way program model.

12-36 SECTION 26. Section 48.108(a), Education Code, is amended
12-37 to read as follows:

12-38 (a) For each student in average daily attendance in
12-39 kindergarten through third grade, a school district is entitled to
12-40 an annual allotment equal to the basic allotment multiplied by 0.1
12-41 if the student is:

12-42 (1) educationally disadvantaged; or

12-43 (2) an emergent bilingual [~~a~~] student [~~of limited~~
12-44 ~~English proficiency~~], as defined by Section 29.052, and is in a
12-45 bilingual education or special language program under Subchapter B,
12-46 Chapter 29.

12-47 SECTION 27. To the extent of any conflict, this Act prevails
12-48 over another Act of the 87th Legislature, Regular Session, 2021,
12-49 relating to nonsubstantive additions to and corrections in enacted
12-50 codes.

12-51 SECTION 28. This Act takes effect September 1, 2021.

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