

Third Major Piece of Legislation Affecting Bilingual Education

by Abelardo Villarreal, Ph.D., and Dolores Cardenas

In its third attempt to upgrade the education of over a quarter of a million Texas students of limited English proficiency (LEP) and to insure equal educational opportunities for all students in Texas, the 67th Texas Legislature enacted a modified version of S.B. 477 and H.B. 886 sponsored by Senator Carlos Truan and Representative Matt Garcia. This article is an analysis of the main features of the recently passed law.

Establishment of Bilingual Education and Special Language Programs

The law specifies that a school district must offer a bilingual education or special language program if it enrolls twenty or more LEP students in any language classification (same language) in the same grade level. It instructs the State Board of Education to adopt rules and regulations which establish a procedure for identifying school districts that are required to offer bilingual education and special language programs.

A school district unable to meet the requirements of the law has the following options:

- join with other school districts in establishing bilingual education and special language programs;
- pay tuition to another school district for participation in its bilingual education and special language program; and/or
- apply to the Commissioner of Education for an exception to use alternative methods during the ensuing year. This request must be accompanied by proper justification and a plan "detailing specific measures to be used by the school district to eliminate the conditions that created the need for an exception."

Furthermore, the law allows for the establishment of preschool, summer school, extended day or extended week bilingual education or special language programs for LEP students. The preschool and summer programs "shall not, however, be a substitute for programs required to be provided during the regular school year."

Identification Process

Within four weeks of enrollment, all students must be surveyed "to determine the language normally used" by the student and in the student's home. The survey form must be signed by the parent or legal guardian if the student is in kindergarten through grade eight and by the student if in grades nine through twelve.

Students found to normally use a language other than English and/or students who come from a home where a language other than English is normally used must be administered Texas Education Agency (TEA) approved oral and written language proficiency instruments in both

English and the primary language. An exception is to be made for kindergarten students and first grade students for whom a test of oral language proficiency would be more appropriate.

Students meeting one or more of the following criteria will be classified as LEP:

- student's ability in English is so limited that assessment procedures cannot be administered;
- student's score in a language proficiency instrument is below the TEA-established minimum level;
- student's proficiency score in primary language is greater than his or her score in English proficiency; and
- language proficiency committee determines the student's proficiency is greater in the primary language than in English.

Program Content/Method of Instruction

The law specifically designates the alternative programs of instruction for LEP students at different grade levels. Elementary grades, including kindergarten, shall utilize bilingual education. Post-elementary grades through grade eight may utilize any of the following: bilingual education, English as a second language, and/or another transitional language instruction program (with TEA's approval). Grades nine through twelve shall utilize English as a second language.

The bilingual education program as described in S.B. 477 is one which:

- "provides for learning basic skills in the primary language of the students of limited English proficiency";

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- “provides for carefully structured and sequenced mastery of English proficiency”; and
- “considers the students’ learning experiences and incorporates the cultural aspects of the students’ backgrounds.”

The ESL program, on the other hand, involves intensive language instruction in English by adequately trained teachers. This program of instruction must also incorporate “the cultural aspects of the students’ backgrounds.”

Provision is also made for instruction in elective courses in a language other than English. Furthermore, LEP students shall participate with English-speaking students in courses such as art, physical education, and music.

Exiting Criteria

The law specifies that the following criteria must be met in determining that a LEP student no longer requires instruction through bilingual education or any special language program:

- oral and written English language proficiency as indicated in tests administered every year;
- achievement score at or above the fortieth percentile in reading and language arts sections of the English standardized test; and
- other measures such as criterion-referenced tests, subjective teacher evaluations, and parental evaluations which indicate overall progress of student.

Provisions in the law require that students who are transferred out of bilingual education or a special language program be monitored for any indication of “inadequate English proficiency and achievement.” If such is the case, these students should be re-enrolled in one of the aforementioned programs.

A careful analysis of the law reveals that a school district’s language proficiency committee plays a pivotal role in the implementation of bilingual education and special language programs. Every school district must establish such a committee immediately which shall:

- a) within the first four weeks following the first day of school determine and report to the local Board of Trustees the number of LEP students by campus and by relative language proficiency in English and the other language (this same information must be at TEA before November 1 of each year);
- b) make recommendations concerning initial placement, exiting, and reclassification of students;
- c) monitor progress and designate the appropriate placement of students who exit from the program; and
- d) perform any additional duties as specified by the State Board of Education. This committee must include, but is not limited to, a professional bilingual educator, a professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.

Parental Notification

Upon a student’s classification as LEP, a school district has ten days to notify in writing the student’s parent or legal guardian concerning the student’s entry into the bilingual education or special language program. The notification, which specifies the program’s benefits, must be in English and in the student’s primary language. Approval by the student’s parents is sought. Parents must also be notified of a student’s placement within and exit from the program.

Teacher Qualifications

S.B. 477 acknowledges the need for certification by TEA of teachers assigned to a bilingual education program, an ESL program, or other special language program. It instructs the State Board of Education to promulgate guidelines for issuance of two types of endorsements, namely, bilingual education and ESL. Provision is also made for issuing temporary emergency endorsements.

Teachers seeking endorsement may be compensated from a school district’s bilingual education or special language program allotment for participating in a continuing education program “designed to gain advanced bilingual education or special language program endorsement or skills.”

Allotments For Operational Expenses

The law stipulates a special allowance of \$50 (or a greater amount as provided by the General Appropriations Act) for every student enrolled in a bilingual education program and 25 percent of that amount for every student in an ESL or other special language program. This allocation may be used for program and pupil evaluation, instructional materials and equipment, staff development, supplemental staff expenses, and other supplies required for quality instruction.

The law stipulates that expenses incurred in transporting LEP students for instruction shall be reimbursed at the school district’s official extracurricular travel per mile rate.

A school district enrolling 700 LEP students at its junior high schools, for instance, is entitled to receive an allotment consistent with the program of instruction selected. For example, a school district with 700 LEP students enrolled in a bilingual education program will receive a \$35,000 total allotment (at \$50 per LEP pupil). A school district with the same number of LEP students which chooses an ESL or other special language program will receive, at \$12.50 per student, a total of \$8,750.

Compliance

TEA is responsible for monitoring school district compliance by visiting school districts every three years. Areas to be monitored include: program content and design; program coverage; identification procedures; classification procedures; staffing; learning materials; testing materials; reclassification of students for either

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entry into regular classes conducted exclusively in English or for reentry into bilingual education or special language programs; and activities of the language proficiency assessment committee. After proper notification of failure to comply, a school district may face loss of accreditation and loss of foundation school funds.

Other Requirements

The law also specifies that:

- a program of instruction as required shall not be located in separate facilities;
- students shall be placed with other students of approximately the same age and educational attainment level;
- the school district shall keep adequate records of educational level and progress of each student; and
- maximum student/teacher ratio shall be set by TEA; and
- A district may not refuse instruction in a language

other than English to a student solely because the student has a handicapping condition.

Timelines

Beginning with the 1981-82 school year, the following timelines must be observed in the implementation of a bilingual education or special language program. Within four weeks after the first day of school, the language proficiency committee must report the number of LEP students and relative language proficiencies of each student in the district to the Board of Trustees. Within ten days after identifying LEP students, written notice must be given in English and the other language to the students' parents or legal guardians. Before November 1st, the aforementioned information must be reported to TEA. By the end of the school year, oral and written language proficiency tests must be administered in both languages to all LEP students. By January 1983, the State Board of Education must submit "a comprehensive plan for meeting the teacher supply needs created by the programs . . ." Finally, TEA is responsible for monitoring, every three years, school districts' compliance with state law.

MEXICAN AMERICAN ADVOCACY ASSOCIATION TO FORM

An ad hoc steering committee to develop a formal association of mental health and/or human service providers, administrators, planners and researchers emerged following the summary session of the IDRA Mental Health Research Project (MHRP) Conference, the theme of which was *Mexican Americans and Mental Health: Issues to Action*. A challenge was made to conference participants to identify mental health advocates who would move the MHRP's research findings into the policy arena, thereby affecting the legislative and programmatic changes necessary to ensure quality mental health services for Mexican Americans.

Group discussion following the conference closure reached the conclusion that an advocacy association was necessary to inform the public and decision-makers about the need for improved mental health services. Three major issues identified as requiring immediate attention were:

1. informing the Mexican American Caucus in the Texas Legislature about mental health issues;
2. preparing Mexican American communities to respond proactively in order to ensure that their needs are addressed in the Texas block grant allocation process; and
3. ensuring that there will be Mexican American input to the process which will undertake the revision of the Texas Mental Health Code concerning patient rights during the interim Legislative Session.

Volunteers from the group offered to serve as an ad hoc steering committee to initiate the organizational process and to communicate with other potential members. Issues to be addressed by the group include: the ethnic focus of the association, its scope in terms of mental health or human services, its membership, the name of the

association, delineation of major goals and key tasks, the governance structure, and a membership recruitment process.

For more information please contact a regional coordinator of the ad hoc steering committee in your area. The regional coordinators are:

Tomas L. Martinez, Acting Chair
2307 Bending Trail
Austin, TX 78744
(512) 475-6481 Home
(512) 835-0440, Ext. 2872 Office

Art Flores
Mexican American Unity Council
2300 West Commerce
San Antonio, TX 78207
(512) 684-4861 Home
(512) 225-4117 or 225-4265 Office

Eddy L. Herrera
1333 Norwood Drive
Hurst, TX 76053
(817) 282-4965 Home
(817) 540-1800 Office

Rodolfo Arroyo
El Centro Familiar
205 N. Delmar
Houston, TX 77011
(713) 741-4296 Home
(713) 921-8176 Office

Porifirio A. Esparza, Coordinator
of Rural Program Issues
6318 Ridge Forest
San Antonio, TX 78233
(512) 532-8811, Ext. 1742 Office