

Sec. 1. PREKINDERGARTEN PROGRAMS

The education of students with disabilities can be made more effective by providing incentives for whole-school approaches, scientifically-based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label students as disabled in order to address the learning and behavioral needs of such students. (20 USC §1400(c)(5)(F))

In implementing coordinated, early intervening services, Texas Works may carry out activities that include:

1. professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
2. providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

(20 USC §1413(f)(2); 34 CFR §300.226(b))

An early intervening service (including a multi-tiered systems of support (MTSS)/response-to-intervention or (RTI)) process cannot delay the initial evaluation for special education services of a student suspected of having a disability.

A parent may request an evaluation at any time to determine whether the student is a student with a disability. If a parent requests an evaluation and Texas Works agrees that the student may be eligible for special education, Premier High Schools must evaluate the student. If Texas Works denies the parent's request for evaluation, Texas Works shall provide notice to the parent explaining the basis for the refusal. The parent may challenge the refusal to evaluate through the impartial hearing process. (20 USC §1413(f)(3); 34 CFR §300.226(c))

Sec. 2. BILINGUAL EDUCATION PROGRAM

Texas Works shall identify Limited English Proficient (LEP) students based on state criteria. Texas Works shall provide an appropriate Bilingual Education (BE) or English as a Second Language (ESL) program conducted by teachers certified for such courses. (Texas Education Code Chapter 29, Subchapter B; 19 TAC §§89.1201-1265)

Sec. 3. STUDENT WITH DISABILITIES AND LIMITED ENGLISH PROFICIENCY

Texas Works shall ensure that a student with limited English proficiency who also qualifies for special education services as a student with a disability under the Individuals with Disabilities Education Act (IDEA) is not refused services in a bilingual education or English as a second language program solely because the student has a disability. (19 TAC §89.1230)

Sec. 4. APPLICABILITY OF TITLE RELATING TO BILINGUAL EDUCATION

An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to bilingual education under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code. (TEC §12.104(b)(2)(G)). Texas Works adopts the requirements of Subchapter B (Bilingual Education and Special Language Programs), Chapter 29, Texas Education Code pursuant to TEC §12.104(b)(2)(G).

Sec. 5. ESTABLISHMENT OF BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM

Texas Works shall establish a BE or ESL program as required by TEC §29.053 (Establishment of Bilingual Education and Special Language Programs) and in accordance with the procedures established by the Texas Education Agency (“TEA”), unless otherwise excepted under TEC §29.054 (Exception). (TEC §29.053)

Sec. 6. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES

Texas Works shall further establish a Language Proficiency Assessment Committee (“LPAC”) that complies with TEC §29.063. The LPAC shall select the appropriate assessment option for each English language learner (ELL) in accordance with this subchapter. For each ELL who receives special education services, the student's admission, review, and dismissal (“ARD”) committee in conjunction with the student’s LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student’s individualized education program. Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by the TEA. 19 Tex. Admin. Code § 101.1005(a).

Sec. 7. PROGRAM CONTENT; METHOD OF INSTRUCTION

Texas Works' bilingual education program’s content and instruction shall comply with TEC §29.055. (TEC §29.055)

Sec. 8. ENROLLMENT OF STUDENTS IN PROGRAM

Texas Works shall comply with the TEA criteria for identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. (TEC §29.056(a))

The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The open-enrollment charter school or parent may appeal the decision under TEC §29.064. (TEC §29.056(a))

Texas Works, through its LPAC, shall evaluate and consider re-enrollment of students who have transferred out of a bilingual education or special language program under TEC §29.056(h) as required by TEC §29.0561.

Sec. 9. FACILITIES; CLASSES

Texas Works shall ensure that bilingual education and special language programs are located in the regular public charter school rather than in separate facilities. (TEC §29.057)

Sec. 10. ENROLLMENT OF STUDENTS WHO DO NOT HAVE LIMITED ENGLISH PROFICIENCY

Texas Works ensures that enrollment of students who do not have limited English proficiency may occur only if the requirements of TEC §29.058 are met. (TEC §29.058)

Sec. 11. COOPERATION AMONG SCHOOLS

Texas Works may cooperate with other schools to provide a bilingual education or special language program. (TEC §29.059)

Sec. 12. PRESCHOOL, SUMMER SCHOOL, AND EXTENDED TIME PROGRAMS

Each open-enrollment charter school that is required to offer a bilingual education or special language program shall offer a voluntary program for students of limited English proficiency who will be eligible for admission to kindergarten or the first grade at the beginning of the school year. A school that operates on a system permitted by the Texas Education Code other than a semester system shall offer 120 hours of instruction on a schedule the governing board establishes. The program shall meet the requirements of TEC §29.060. (TEC §29.060(a))

Enrollment of a student in the program is optional with the parent of the student. (TEC §29.060(b))

The program must be an intensive bilingual education or special language program that meets standards established by the Texas Education Agency. The student/teacher ratio for the program may not exceed 18/1. (TEC §29.060(c))

Texas Works may establish on a full- or part-time basis summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other schools or schools in establishing the programs. (TEC §29.060(d))

The programs required or authorized by TEC §29.060 may not be a substitute for programs required to be provided during the regular school year. (TEC §29.060(e))

The legislature may appropriate money from the foundation school fund for support of a program under TEC §29.060(a). (TEC §29.060(f))

Sec. 13. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM TEACHERS

Texas Works shall ensure that bilingual education and special language program teachers are properly certified. (TEC §29.061)

Sec. 14. APPEALS

A parent of a student enrolled in a bilingual education or special language program may appeal to the Commissioner of Education if Texas Works fails to comply with the requirements established by law or by the TEA. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the Board. Appeals shall be conducted in accordance with procedures adopted by the Commissioner of Education under Chapter 157 of the Texas Administrative Code. (TEC §29.064; 19 TAC §89.1240)

Sec. 15. PEIMS REPORTING REQUIREMENTS

Texas Works shall meet Public Education Information Management System (PEIMS) Reporting Requirements with respect to its bilingual education or special language programs. (TEC §29.066)