

ATTACHMENT**Texas Administrative Code Title 19 Chapter 89. Adaptations for Special Populations
Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Language Learners****§89.1250. Required Summer School Programs.**

Summer school programs that are provided under the Texas Education Code (TEC), §29.060, for English language learners who will be eligible for admission to kindergarten or Grade 1 at the beginning of the next school year shall be implemented in accordance with this section.

- (1) Purpose of summer school programs.
 - (A) English language learners shall have an opportunity to receive special instruction designed to prepare them to be successful in kindergarten and Grade 1.
 - (B) Instruction shall focus on language development and essential knowledge and skills appropriate to the level of the student.
 - (C) The program shall address the affective, linguistic, and cognitive needs of the English language learners in accordance with §89.1210(c) and (f) of this title (relating to Program Content and Design).
- (2) Establishment of, and eligibility for, the program.
 - (A) Each district required to offer a bilingual or English as a second language (ESL) program in accordance with the TEC, §29.053, shall offer the summer program.
 - (B) To be eligible for enrollment:
 - (i) a student must be eligible for admission to kindergarten or to Grade 1 at the beginning of the next school year and must be an English language learner; and
 - (ii) a parent or guardian must have approved placement of the English language learner in the required bilingual or ESL program following the procedures described in §89.1220(g) of this title (relating to Language Proficiency Assessment Committee) and §89.1225(a)-(f) of this title (relating to Testing and Classification of Students).
 - (C) Limited English proficiency shall be determined by evaluating students using an oral language proficiency test approved by the Texas Education Agency.
- (3) Operation of the program.
 - (A) Enrollment is optional.
 - (B) The program shall be operated on a one-half day basis, a minimum of three hours each day, for eight weeks or the equivalent of 120 hours of instruction.
 - (C) The student/teacher ratio for the program district-wide shall not exceed 18 to one.
 - (D) A district is not required to provide transportation for the summer program.
 - (E) Teachers shall possess certification or endorsement as required in the TEC, §29.061, and §89.1245 of this title (relating to Staffing and Staff Development).
 - (F) Reporting of student progress shall be determined by the board of trustees. A summary of student progress shall be provided to parents at the conclusion of the program. This summary shall be provided to the student's teacher at the beginning of the next regular school term.
 - (G) A school district may join with other school districts in cooperative efforts to plan and implement programs.

- (H) The summer school program shall not substitute for any other program required to be provided during the regular school term, including those required in the TEC, §29.153.
- (4) Funding and records for programs.
- (A) A school district shall use state and local funds for program purposes. School districts may use federal funds, consistent with requirements for the expenditure of federal funds, for the program.
- (i) Available funds appropriated by the legislature for the support of summer school programs provided under the TEC, §29.060, shall be allocated to school districts in accordance with this subsection.
- (ii) Funding for the summer school program shall be on a unit basis in such an allocation system to ensure a pupil/teacher ratio of not more than 18 to one. The numbers of students required to earn units shall be established by the commissioner. The allotment per unit shall be determined by the commissioner based on funds available.
- (iii) Any school district required to offer the program under paragraph (2)(A) of this subsection that has less than ten students district-wide desiring to participate is not required to operate the program. However, those schools districts must demonstrate that they have aggressively attempted to encourage student participation.
- (iv) Payment to school districts for summer school programs shall be based on units employed. This information must be submitted in a manner and according to a schedule established by the commissioner in order for a school district to be eligible for funding.
- (B) A school district shall maintain records of eligibility, attendance, and progress of students.

Source: The provisions of this §89.1250 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective February 17, 2005, 30 TexReg 709; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822

§89.1265. Evaluation.

- (a) All districts required to conduct a bilingual education or English as a second language program shall conduct periodic assessment in the languages of instruction to determine program impact and student outcomes in all subject areas.
- (b) Annual reports of educational performance shall reflect the academic progress in either language of the English language learners, the extent to which they are becoming proficient in English, the number of students who have been exited from the bilingual education and English as a second language programs, and the number of teachers and aides trained and the frequency, scope, and results of the training. These reports shall be retained at the district level.
- (c) School districts shall report to parents the progress of their child as a result of participation in the program offered to English language learners in English and the home language at least annually.
- (d) Each school year, the principal of each school campus, with the assistance of the campus level committee, shall develop, review, and revise the campus improvement plan described in the Texas Education Code, §11.253, for the purpose of improving student performance for English language learners.

Source: The provisions of this §89.1265 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.