ATTACHMENT II
Text of Adopted Repeal of 19 TAC

Chapter 89. Adaptations for Special Populations

[~~Subchapter FF. Commissioner's Rules Concerning Dual Language Immersion Programs~~]

[~~§89.1601. Definitions.~~]

[~~The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.~~]

[~~(1) Dual language immersion program. An educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and another language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based upon instruction that adds to the student's first language.~~]

[~~(2) Language minority student. A student who comes from a home in which a language other than English is his/her primary language.~~]

[~~(3) School district. For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.~~]

[~~§89.1603. Dual Language Immersion Program Goals.~~]

[~~The primary goals of a dual language immersion program are:~~]

[~~(1) the development of fluency and literacy in English and another language for all students, paying special attention to limited English proficient (LEP) students participating in the program;~~]

[~~(2) the integration of English speakers and language minority students for academic instruction, in accordance with the program design and model selected by the school district board of trustees. Whenever possible, 50% of the students in a program should be dominant English speakers and 50% of the students should be native speakers of the other language at the beginning of the program;~~]

[~~(3) the promotion of bilingualism, biliteracy, cross-cultural awareness, and high academic achievement; and~~]

[~~(4) the initial preparation of students to be economically-competent, multi-literate citizens in an international community.~~]

[~~§89.1605. Minimum Program Requirements.~~]

[~~(a) A dual language immersion program must address all curriculum requirements specified in Chapter 74, Subchapter A, of this title (relating to Required Curriculum) to include foundation and enrichment areas.~~]

[~~(b) A dual language immersion program shall be a full-time program of academic instruction in English and another language.~~]

[~~(c) A minimum of 50% of instructional time must be provided in the language other than English.~~]

[~~(d) The minimum enrollment requirement of limited English proficient (LEP) students in a dual language immersion program should be the lesser of 30% of the students in the class, or all LEP students served in that grade at that campus.~~]

[~~(e) Program implementation should:~~]

[~~(1) begin at prekindergarten, kindergarten, or Grade 1, as applicable;~~]

[~~(2) continue without interruption incrementally through the elementary grades; and~~]

[~~(3) consider expansion to middle school and high school whenever possible.~~]

[~~(f) A school district serving LEP students in a dual language immersion program must meet the requirements stipulated in the Texas Education Code, §29.051, and Subchapter BB of this chapter (relating to Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students).~~]

[~~(g) A dual language immersion program shall be developmentally appropriate and based on current best practices research.~~]

[~~(h) A dual language immersion program shall use state-adopted instructional materials as specified in §89.1210 of this title (relating to Program Content and Design).~~]

[~~§89.1607. Staffing and Staff Development.~~]

[~~(a) A dual language immersion program must be staffed with certified teachers able to deliver high-level academic instruction in English as a second language and the assigned language of instruction.~~]

[~~(b) A school district must offer professional development programs for dual language immersion teachers that incorporate second language acquisition methods that are developmentally, affectively, linguistically, and cognitively appropriate.~~]

[~~§89.1609. Program Implementation.~~]

[~~(a) Student enrollment in a dual language immersion program is optional.~~]

[~~(b) A dual language immersion program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition.~~]

[~~(c) A school district must obtain written parental approval for student participation in the program sequence and model established by the district.~~]

[~~(d) A school district implementing a dual language immersion program must develop a policy on enrollment and continuation for students in the program. The policy must address:~~]

[~~(1) eligibility criteria;~~]

[~~(2) program purpose;~~]

[~~(3) grade levels in which the program will be implemented;~~]

[~~(4) support of program goals as stated in §89.1603 of this title (relating to Dual Language Immersion Program Goals); and~~]

[~~(5) expectations for students and parents.~~]

[~~§89.1611. Standards for Evaluation.~~]

[~~(a) A school district implementing a dual language immersion program must conduct annual formative and summative evaluations collecting a full range of data to determine program impact on student academic success.~~]

[~~(b) The success of a dual language immersion program is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas Essential Knowledge and Skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.~~]

[~~§89.1613. General Standards for Recognition.~~]

[~~(a) School district recognition. An exceptional dual language immersion program may be recognized by the local school district board of trustees using the following criteria.~~]

[~~(1) A school district must exceed the minimum requirements stated in §89.1605 of this title (relating to Minimum Program Requirements).~~]

[~~(2) A school district must be rated at least acceptable in the state accountability system.~~]

[~~(3) A school district must not be identified for any stage of intervention for the district's bilingual and/or English as a second language program under the performance-based monitoring system.~~]

[~~(4) A school district must meet the Adequate Yearly Progress participation and performance criteria for the limited English proficient student group under No Child Left Behind regulations.~~]

[~~(b) Student recognition. A student participating in a dual language immersion program may be recognized by the program and its local school district board of trustees using the following criteria.~~]

[~~(1) The student must meet or exceed statewide student assessment passing standards, as required by the Texas Education Code, §39.024, in all subject areas at the appropriate grade level.~~]

[~~(2) The student must meet or exceed expected levels of language proficiency on a recognized language proficiency test from the list of tests approved by the commissioner of education.~~]