

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual



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Foreword

19 Texas Administrative Code (TAC) Chapter 89. Adaptations for Special Populations. Subchapter BB. Commissioner's Rules Concerning the State Plan for Educating English learner's states that all school districts that are required to provide bilingual education and/or English as a second language (ESL) programs establish and operate a Language Proficiency Assessment Committee (LPAC). The LPACs are charged with reviewing all pertinent information on all identified English learners upon their initial enrollment and at the end of each school year. Districts are required to have on file policy and procedures for the selection, appointment, and training of members of the LPACs.

The ***LPAC Framework Manual 2018-2019*** includes clarification of the legal requirements for LPACs, and provides documents and forms to facilitate the training of LPAC members. The forms included with the manual are for use by districts and are not required forms for the implementation of a Bilingual/ESL program. This manual integrates state and federal Every Student Succeeds Act (ESSA) requirements regarding the identification, program placement, parent notification, annual review, and assessment of English learners as they attain language and academic proficiency.

Six major sections are covered in this manual:

- Introduction
- Identification
- Placement
- English Learners Services
- Review and Reclassification
- Monitoring and Evaluation

*Education service centers will provide school districts and charter schools with training on the content and procedures of this manual.

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Introduction: Framework for the Language Proficiency Assessment Committee (LPAC) Process

What: The Language Proficiency Assessment Committee (LPAC) plays a pivotal role in the education of English learners. The LPAC's role extends beyond the responsibilities established under the Texas Administrative Code, 19 TAC Chapter 89, Subchapter BB Commissioner's Rules Concerning State Plan for Educating English learners. As an advocate for the English learners, the LPAC becomes the voice that initiates, articulates, deliberates, and determines the best instructional program for the student. It functions as a link between the home and the school in making appropriate decisions regarding placement, instructional practices, assessment, and special programs that impact the student.

Why: LPAC Framework Manual 2018-2019 integrates the parental notification requirements of Every Student Succeeds Act (ESSA) as they relate to the LPAC process.

Who: Each member of the LPAC understands:

- training is necessary to carry out his/her responsibilities;
- the instructional and support programs available to the student;
- the timelines of meetings and documentation;
- the decision-making process that needs to be followed at meetings;
- the need to maintain confidentiality and respect for the student's language and culture; and
- that each student is considered as an individual.

Thus, the LPAC becomes a critical component of the Bilingual or ESL program.

How: The intent of the LPAC Framework Manual 2018-2019 is to establish a framework for the LPAC process and to describe the steps necessary to implement a consistent and standardized process successfully across a school district and across the state. The Framework for the LPAC Process delineates the steps that must be followed in the identification, processing, placement, and monitoring of the English learners in his/her intensive language instructional program as well as the determination for exiting and follow-up of the student as he/she transitions into the mainstream all-English program.

Location: The Framework for the LPAC Process can be accessed through the Education Service Center, Region 20's website. www.esc20.net/lpac

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual

Chronology of Federal and State Laws and Policies
Impacting Language Minority Students



Chronology of Federal and State Law and Policy Impacting Language Minority Students

How has federal policy for language minority students evolved in the U.S.?

- 1920s-1960s English immersion or “sink-or-swim” policies are the dominant method of instruction of language minority students. Few or no remedial services are available, and students are generally held at the same grade level until enough English is mastered to advance in subject areas.
- 1963 Success of a two-way bilingual program for Cuban refugee children in Dade County, Florida, inspires the implementation of similar programs elsewhere.
- 1964 *Civil Rights Act: Title VI* prohibits discrimination on the basis of race, color, or national origin in the operation of all federally assisted programs.
- 1968 *The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1968*: Establishes federal policy for bilingual education for economically disadvantaged language minority students, allocates funds for innovative programs, and recognizes the unique educational disadvantages faced by non-English speaking students.
- 1978 Amendments to *Title VII* emphasize the strictly transitional nature of native language instruction, expand eligibility to students who are limited English proficient (LEP), and permit enrollment of English-speaking students in bilingual programs.
- 1982 Amendments to *Title VII* allow for some native language maintenance, provide program funding for LEP students with special needs, support family English literacy programs, and emphasize importance of teacher training.
- 1988 Amendments to *Title VII* include increased funding to state education agencies, expanded funding for “special alternative” programs where only English is used, established a three-year limit on participation in most *Title VII*, and created fellowship programs for professional training.
- 1994 Comprehensive educational reforms entail reconfiguration of *Title VII* programs. New provisions reinforce professional development programs, increase attention to language maintenance and foreign language instruction, improve research and evaluation at state and local level, supply additional funds for immigrant education, and allow participation of some private school students.

- 2001 *No Child Left Behind Act of 2001 (NCLB)*: The reauthorization of the Elementary and Secondary Education Act of 1965 appropriates funds to states to improve the education of English Language Learners by assisting children to learn English and meet challenging state academic content and student academic achievement standards. Legislation for English language learners is found under Title III of NCLB.
- 2015 Every Student Succeeds Act (ESSA): The reauthorization of the Elementary and Secondary Education Act of 1965 on December 10, 2015 replaces NCLB. ESSA strengthens and enhances the equitable services provisions and provides more State and district level accountability.

What court rulings have impacted the education of language minority students in the U.S.?

SUPREME COURT

- 1974 *Lau v. Nichols*
 This suit by Chinese parents in San Francisco leads to the ruling that identical education does not constitute equal education under Title VI of the Civil Rights Act of 1964. School districts must take affirmative steps to overcome educational barriers faced by non-English speakers. This ruling established that the Office for Civil Rights, under the former Department of Health, Education, and Welfare, has the authority to establish regulations for Title VI enforcement.
- 1982 *Plyler v. Doe*
 Under the Fourteenth Amendment of the U.S. Constitution, the state does not have the right to deny a free public education to undocumented immigrant children.

FEDERAL COURT

- 1971 *United States of America v. State of Texas, et al.*
 This desegregation case centered on the issue of discrimination and whether the San Felipe and Del Rio school districts were providing Mexican American students an equal educational opportunity. On August 6, 1971, Judge William Wayne Justice ordered the consolidation of the two districts. As a result of the lawsuit, the federal court came down with a court order, Civil Action 5281, which eliminates discrimination on grounds of race, color, or national origin in Texas public and charter schools.

- 1974 *Serna v. Portales*
 The 10th Circuit Court of Appeals found that Spanish surnamed students' achievement levels were below those of their Anglo counterparts. The court ordered Portales Municipal Schools to implement a bilingual/bicultural curriculum, revise procedures for assessing achievement, and hire bilingual school personnel.
- 1978 *Cintron v. Brentwood*
 The Federal District Court for the Eastern District of New York rejected the Brentwood School District's proposed bilingual program on the grounds that it would violate "Lau Guidelines" by unnecessarily segregating Spanish-speaking students from their English-speaking peers in music and art. The court also objected to the program's failure to provide for exiting students whose English language proficiency was sufficient for them to understand mainstream English instruction.
- 1978 *Rios v. Reed*
 The Federal District Court for the Eastern District of New York found that the Pasthogue-Medford School District's transitional bilingual program was basically a course in English and that students were denied an equal educational opportunity by not receiving academic instruction in Spanish. The court wrote: "A denial of educational opportunities to a child in the first years of schooling is not justified by demonstrating that the educational program employed will teach the child English sooner than a program comprised of more extensive Spanish instruction."
- 1981 *Castañeda v. Pickard*
 Reputed to be the most significant court decision affecting language minority students after Lau. In responding to the plaintiffs' claim that Raymondville, Texas Independent School District's language remediation programs violated the Equal Educational Opportunities Act (EEOA) of 1974, the Fifth Circuit Court of Appeals formulated a set of basic standards to determine school district compliance with EEOA.
- The "Castañeda test" includes the following criteria: (1) *Theory*: The school must pursue a program based on an educational theory recognized as sound or, at least, as a legitimate experimental strategy; (2) *Practice*: The school must actually implement the program with instructional practices, resources, and personnel necessary to transfer theory to reality; (3) *Results*: The school must not persist in a program that fails to produce results.

- 1981 *United States v. State of Texas et al., January 12, 1981*
The U.S. District Court for the eastern district of Texas, Tyler division, instructs TEA to phase in mandatory bilingual education in grades K-12. This decision outlined specific requirements including: three year monitoring cycles, identification of ELLs, and a language survey for students entering school. It also established the need for exit criteria.
- 1982 *United States v. State of Texas et al., July 12, 1982*
The U.S. Court of Appeals, Fifth Circuit reverses the previous judgment of U.S. v. State of Texas et al., January 12, 1981 because of state legislation enacted in 1981.
- 1983 *Keyes v. School District #1*
A U.S. District Court found that a Denver public school district had failed to adequately implement a plan for language minority students, which is the second element of the “Castañeda Test.”
- 1987 *Gomez v. Illinois*
The Seventh Circuit Court of Appeals ruled that State Education Agencies are also required under EEOA to ensure that language minority student’s educational needs are met.

Noteworthy Legislation in Texas Regarding Bilingual Education

- 1969 HB 103
The 61st legislature passed the state’s first bilingual education bill. This Act acknowledged English as the primary language of instruction in school and allowed but did not require school districts to provide bilingual instruction through Grade 6.
- 1973 SB 121
The 63rd legislature passed the Texas Bilingual Education and Training Act. This Act directed each school district in which 20 or more LEP students in the same grade shared the same language classification the previous year to institute a program of bilingual instruction beginning with the 1974-75 school year.
- 1978
In November, the State Board of Education adopted the rules governing the implementation of special language programs for LEP students.
- 1981 SB 477
This Act strengthened the guidelines necessary to implement the state bilingual plan and established the Language Proficiency Assessment Committees (LPAC).
- 2005 HB 1

The 79th legislature 3rd called session amended Chapter 29.0561 to specify monitoring criteria during the two (2) years after students exit the special language program.

2007

SB 1871

The 80th legislature enacted the data collection of special language program models for the **two** state mandated programs; four (4) for **bilingual education** and two (2) for **ESL**.

2009

HB 3

The 81st legislature eliminated versions of grade 6 for reading and math Spanish tests.

2015

HB 218

The 84th legislature added language to Section 29.061 that stated that a school district that provides a bilingual education program using a dual language immersion /**one-way or two-way program model** may assign a teacher certified appropriately for bilingual education for the component of the program provided in a language other than English; and assign a teacher certified appropriately for bilingual education **or** English as a second language for the component of the program provided in English.

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual

19 Texas Administrative Code (TAC) Chapter 89.
Adaptations for Special Populations Subchapter BB.
Commissioner's Rules Concerning State Plan for
Educating English Learners



To be effective July 15, 2018

Chapter 89. Adaptations for Special Populations Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners

§89.1201. Policy.

- (a) It is the policy of the state that every student in the state who has a primary language other than English and who is identified as an English learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program, as required in the Texas Education Code (TEC), Chapter 29, Subchapter B. To ensure equal educational opportunity, as required in the TEC, §1.002(a), each school district shall:
- (1) identify English learners based on criteria established by the state;
 - (2) provide bilingual education and ESL programs, as integral parts of the general program as described in the TEC, §4.002;
 - (3) seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills required by the state; and
 - (4) assess achievement for essential knowledge and skills in accordance with the TEC, Chapter 29, to ensure accountability for English learners and the schools that serve them.
- (b) The goal of bilingual education programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. Such programs shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.
- (c) The goal of ESL programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods. The ESL program shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.
- (d) Bilingual education and ESL programs shall be integral parts of the total school program. Such programs shall use instructional approaches designed to meet the specific language needs of English learners. The basic curriculum content of the programs shall be based on the Texas Essential Knowledge and Skills and the English language proficiency standards required by the state.
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§89.1203. Definitions.

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

- (1) Bilingual education allotment--An adjusted basic funding allotment provided for each school district based on student average daily attendance in a bilingual education or special language program in accordance with Texas Education Code (TEC), §42.153.
- (2) Certified English as a second language teacher--The term "certified English as a second language teacher" as used in this subchapter is synonymous with the term "professional transitional language educator" used in TEC, §29.063.
- (3) Dual language immersion--A state-approved bilingual program model in accordance with TEC, §29.066.
- (4) Dual-language instruction--An educational approach that focuses on the use of English and the student's primary language for instructional purposes.
- (5) English as a second language program--A special language program in accordance with TEC, Chapter 29.
- (6) English language proficiency standards (ELPS)--Standards to be published along with the Texas Essential Knowledge and Skills for each subject in the required curriculum outlined in Chapter 74 of this title (relating to Curriculum Requirements), including foundation and enrichment areas, ELPS, and college and career readiness standards.
- (7) English learner--A student who is in the process of acquiring English and has another language as the primary language. The terms English language learner and English learner are used interchangeably and are synonymous with limited English proficient (LEP) student, as used in TEC, Chapter 29, Subchapter B.
- (8) Exit--The point when a student is no longer classified as LEP (i.e., the student is reclassified), no longer requires bilingual or special language program services, and is classified as non-LEP in the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The term "exit" as used in this subchapter is synonymous with the description in TEC, Chapter 29, of "transferring out" of bilingual or special language programming.
- (9) Reclassification--The process by which the language proficiency assessment committee determines that an English learner has met the appropriate criteria to be classified as non-LEP and is coded as such in TSDS PEIMS.
- (10) School district--For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.

§89.1205. Required Bilingual Education and English as a Second Language Programs.

- (a) Each school district that has an enrollment of 20 or more English learners in any language classification in the same grade level district-wide shall offer a bilingual education program as described in subsection (b) of this section for the English learners in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through Grade 5; sixth grade shall be included when clustered with elementary grades.
- (b) A school district shall provide a bilingual education program by offering dual-language instruction (English and primary language) in prekindergarten through the elementary

grades, using one of the four bilingual program models described in §89.1210 of this title (relating to Program Content and Design).

- (c) All English learners for whom a school district is not required to offer a bilingual education program shall be provided an English as a second language (ESL) program as described in subsection (d) of this section, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option described in subsection (g) of this section.
- (d) A school district shall provide ESL instruction by offering an ESL program using one of the two models described in §89.1210 of this title.
- (e) School districts may join with other school districts to provide bilingual education or ESL programs.
- (f) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program even if they have an enrollment of fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.
- (g) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.

§89.1207. Bilingual Education Exceptions and English as a Second Language Waivers.

- (a) Bilingual education program.
 - (1) Exceptions. A school district that is unable to provide a bilingual education program as required by §89.1205(a) of this title (relating to Required Bilingual Education and English as a Second Language Programs) because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual education program and the approval of an alternative program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall include:
 - (A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the bilingual education program with supporting documentation;
 - (B) a description of the alternative instructional program and methods to meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, English language proficiency standards (ELPS), and college and career readiness standards (CCRS);
 - (C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed

successively by subsequent grade levels to ensure that the linguistic and academic needs of the English learners with beginning levels of English proficiency are served on a priority basis;

- (D) an assurance that the school district will implement a comprehensive professional development plan that:
 - (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
 - (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
 - (iii) may include additional teachers who work with English learners;
 - (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;
 - (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(a) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent exceptions and measurable targets for the subsequent year; and
 - (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title (relating to Evaluation).
- (2) Documentation. A school district submitting a bilingual education exception shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:
- (A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the English learners;
 - (B) the number of teachers for whom a bilingual education exception is needed by grade level and per campus;
 - (C) a copy of the school district's comprehensive professional development plan; and
 - (D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan.
- (3) Approval of exceptions. Bilingual education program exceptions will be granted by the commissioner if the requesting school district:
- (A) meets or exceeds the state average for English learner performance on the required state assessments;
 - (B) meets the requirements and measurable targets of the action plan described in paragraph (1)(F) of this subsection submitted the previous year and approved by the Texas Education Agency (TEA); or
 - (C) reduces by 25% the number of teachers under exception for bilingual programs when compared to the number of exceptions granted the previous year.

- (4) Denial of exceptions. A school district denied a bilingual education program exception must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.
 - (5) Appeals. A school district denied a bilingual education program exception may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.
 - (6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the Texas Education Code (TEC), §39.057, if a school district is denied a bilingual education program exception for more than three consecutive years.
 - (7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.
- (b) English as a second language (ESL) program.
- (1) Waivers. A school district that is unable to provide an ESL program as required by §89.1205(c) of this title because of an insufficient number of appropriately certified teachers shall request from the commissioner a waiver of the certification requirements for each teacher who will provide instruction in ESL for English learners. The approval of a waiver of certification requirements shall be valid only during the school year for which it was granted. A request for an ESL program waiver must be submitted by November 1 and shall include:
 - (A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the ESL program;
 - (B) a description of the alternative instructional program, including the manner in which the teachers in the ESL program will meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title to include foundation and enrichment areas, ELPS, and CCRS;
 - (C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels in the elementary school campus and, if needed, secondary campuses, to ensure that the linguistic and academic needs of the English learners with the lower levels of English proficiency are served on a priority basis;
 - (D) an assurance that the school district shall implement a comprehensive professional development plan that:
 - (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
 - (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
 - (iii) may include additional teachers who work with English learners;
 - (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;

- (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(c) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent waivers; and
 - (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title.
- (2) Documentation. A school district submitting an ESL waiver shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:
- (A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the English learners;
 - (B) the name and teaching assignment, per campus, of each teacher who is assigned to implement the ESL program and is under a waiver and the estimated date for the completion of the ESL supplemental certification, which must be completed by the end of the school year for which the waiver was requested;
 - (C) a copy of the school district's comprehensive professional development plan;
 - (D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan; and
 - (E) a description of the actions taken to recruit an adequate number of appropriately certified teachers.
- (3) Approval of waivers. ESL waivers will be granted by the commissioner if the requesting school district:
- (A) meets or exceeds the state average for English learner performance on the required state assessments; or
 - (B) meets the requirements and measurable targets of the action plan described in paragraph (1)(G) of this subsection submitted the previous year and approved by the TEA.
- (4) Denial of waivers. A school district denied an ESL program waiver must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.
- (5) Appeals. A school district denied an ESL waiver may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.
- (6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the TEC, §39.057, if a school district is denied an ESL waiver for more than three consecutive years.
- (7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.

§89.1210. Program Content and Design.

- (a) Each school district required to offer a bilingual education or English as a second language (ESL) program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). The school district shall accommodate the instruction, pacing, and materials to ensure that English learners have a full opportunity to master the essential knowledge and skills of the required curriculum, which includes the Texas Essential Knowledge and Skills and English language proficiency standards (ELPS). Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English for each content area.
 - (1) A bilingual education program of instruction established by a school district shall be a full-time program of dual-language instruction (English and primary language) that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills under Texas Education Code (TEC), §29.055(a).
 - (2) An ESL program of instruction established by a school district shall be a program of intensive instruction in English in which ESL teachers recognize and address language differences in accordance with TEC, §29.055(a).
- (b) The bilingual education program and ESL program shall be integral parts of the general educational program required under Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, ELPS, and college and career readiness standards. In bilingual education programs, school districts shall purchase instructional materials in both program languages with the district's instructional materials allotment or otherwise acquire instructional materials for use in bilingual education classes in accordance with TEC, §31.029(a). Instructional materials for bilingual education programs on the list adopted by the commissioner of education, as provided by TEC, §31.0231, may be used as curriculum tools to enhance the learning process. The school district shall provide for ongoing coordination between the bilingual/ESL program and the general educational program. The bilingual education and ESL programs shall address the affective, linguistic, and cognitive needs of English learners as follows.
 - (1) Affective.
 - (A) English learners in a bilingual program shall be provided instruction using second language acquisition methods in their primary language to introduce basic concepts of the school environment, and content instruction both in their primary language and in English, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).
 - (B) English learners in an ESL program shall be provided instruction using second language acquisition methods in English to introduce basic concepts of the school environment, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed

to incorporate the students' primary languages and learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).

- (2) Linguistic.
 - (A) English learners in a bilingual program shall be provided intensive instruction in the skills of listening, speaking, reading, and writing both in their primary language and in English, provided through the ELPS. The instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.
 - (B) English learners in an ESL program shall be provided intensive instruction to develop proficiency in listening, speaking, reading, and writing in the English language, provided through the ELPS. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.
- (3) Cognitive.
 - (A) English learners in a bilingual program shall be provided instruction in language arts, mathematics, science, and social studies both in their primary language and in English, using second language acquisition methods in either their primary language, in English, or in both, depending on the specific program model(s) implemented by the district. The content area instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.
 - (B) English learners in an ESL program shall be provided instruction in English in language arts, mathematics, science, and social studies using second language acquisition methods. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills.
- (c) The bilingual education program shall be implemented through at least one of the following program models.
 - (1) Transitional bilingual/early exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than two or later than five years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(1), for the assigned grade level and content area. The goal of early-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.
 - (2) Transitional bilingual/late exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in

bilingual education under TEC, §29.061(b)(2), for the assigned grade level and content area. The goal of late-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.

- (3) Dual language immersion/one-way is a bilingual/biliteracy program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061. The goal of one-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in the students' primary language as well as English, with at least half of the instruction delivered in the students' primary language for the duration of the program.
 - (4) Dual language immersion/two-way is a bilingual/biliteracy program model in which students identified as English learners are integrated with students proficient in English and are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061, for the assigned grade level and content area. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061, for the assigned grade level and content area. The goal of two-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in English and another language with at least half of the instruction delivered in the non-English program language for the duration of the program.
- (d) The ESL program shall be implemented through one of the following program models.
- (1) An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under TEC, §29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.
 - (2) An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under the TEC, §29.061(c), through English

language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

- (e) Except in the courses specified in subsection (f) of this section, second language acquisition methods, which may involve the use of the students' primary language, may be provided in any of the courses or electives required for promotion or graduation to assist the English learners to master the essential knowledge and skills for the required subject(s). The use of second language acquisition methods shall not impede the awarding of credit toward meeting promotion or graduation requirements.
- (f) In subjects such as art, music, and physical education, English learners shall participate with their English-speaking peers in general education classes provided in the subjects. As noted in TEC, §29.055(d), elective courses included in the curriculum may be taught in a language other than English. The school district shall ensure that students enrolled in bilingual education and ESL programs have a meaningful opportunity to participate with other students in all extracurricular activities.
- (g) The required bilingual education or ESL program shall be provided to every English learner with parental approval until such time that the student meets exit criteria as described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020) or graduates from high school.

§89.1215. Home Language Survey.

- (a) School districts shall administer only one home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through Grade 12. School districts shall require that the survey be signed by the student's parent or guardian for each student in prekindergarten through Grade 8 or by the student in Grades 9-12 as permitted under the Texas Education Code, §29.056(a)(1). The original copy of the survey shall be kept in the student's permanent record.
- (b) The home language survey shall be administered in English, Spanish, and Vietnamese; for students of other language groups, the home language survey shall be translated into the primary language whenever possible. The home language survey shall contain the following questions.
 - (1) "What language is spoken in the child's home most of the time?"
 - (2) "What language does the child speak most of the time?"
- (c) If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with §89.1225 of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).
- (d) For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made. If attempts to obtain the student's home

language survey from the sending district are unsuccessful, the identification process shall begin while attempts to contact the sending district for records continue throughout the four-week testing and identification period.

§89.1220. Language Proficiency Assessment Committee.

- (a) School districts shall by local board policy establish and operate a language proficiency assessment committee. The school district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).
- (b) The language proficiency assessment committee shall include an appropriately certified bilingual educator (for students served through a bilingual education program), an appropriately certified English as a second language (ESL) educator (for students served through an ESL program), a parent of an English learner participating in a bilingual or ESL program, and a campus administrator in accordance with Texas Education Code (TEC), §29.063.
- (c) In addition to the three required members of the language proficiency assessment committee, the school district may add other trained members to the committee.
- (d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.
- (e) A school district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of English learners.
- (f) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The school district shall be responsible for the orientation and training of all members, including the parents, of the language proficiency assessment committee.
- (g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all English learners identified in accordance with §89.1225(f) of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020) and shall:
 - (1) designate the language proficiency level of each English learner in accordance with the guidelines issued pursuant to §89.1225(b)-(f) or §89.1226(b)-(f) of this title;
 - (2) designate the level of academic achievement of each English learner;
 - (3) designate, subject to parental approval, the initial instructional placement of each English learner in the required program;
 - (4) facilitate the participation of English learners in other special programs for which they are eligible while ensuring full access to the language program services required under the TEC, §29.053; and
 - (5) reclassify students, at the end of the school year only, as English proficient in accordance with the criteria described in §89.1225(i) or §89.1226(i) of this title.

- (h) The language proficiency assessment committee shall give written notice to the student's parent or guardian, advising that the student has been classified as an English learner and requesting approval to place the student in the required bilingual education or ESL program not later than the 10th calendar day after the date of the student's classification in accordance with TEC, §29.056. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and that it is an integral part of the school program.
- (i) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each English learner as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments).
- (j) Pending parent approval of an English learner's entry into the bilingual education or ESL program recommended by the language proficiency assessment committee, the school district shall place the student in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education allotment.
- (k) The language proficiency assessment committee shall monitor the academic progress of each student who has met criteria for exit in accordance with TEC, §29.056(g), for the first two years after reclassification. If the student earns a failing grade in a subject in the foundation curriculum under TEC, §28.002(a)(1), during any grading period in the first two school years after the student is reclassified, the language proficiency assessment committee shall determine, based on the student's second language acquisition needs, whether the student may require intensive instruction or should be reenrolled in a bilingual education or special language program. In accordance with TEC, §29.0561, the language proficiency assessment committee shall review the student's performance and consider:
 - (1) the total amount of time the student was enrolled in a bilingual education or special language program;
 - (2) the student's grades each grading period in each subject in the foundation curriculum under TEC, §28.002(a)(1);
 - (3) the student's performance on each assessment instrument administered under TEC, §39.023(a) or (c);
 - (4) the number of credits the student has earned toward high school graduation, if applicable; and
 - (5) any disciplinary actions taken against the student under TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management).
- (l) The student's permanent record shall contain documentation of all actions impacting the English learner.
 - (1) Documentation shall include:
 - (A) the identification of the student as an English learner;
 - (B) the designation of the student's level of language proficiency;
 - (C) the recommendation of program placement;
 - (D) parental approval of entry or placement into the program;
 - (E) the dates of entry into, and placement within, the program;

- (F) assessment information as outlined in Chapter 101, Subchapter AA, of this title;
 - (G) additional instructional interventions provided to address the specific language needs of the student;
 - (H) the date of exit from the program and parental approval;
 - (I) the results of monitoring for academic success, including students formerly classified as English learners, as required under the TEC, §29.063(c)(4); and
 - (J) the home language survey.
- (2) Current documentation as described in paragraph (1) of this subsection shall be forwarded in the same manner as other student records to another school district in which the student enrolls.
- (m) A school district may identify, exit, or place a student in a program without written approval of the student's parent or guardian if:
- (1) the student is 18 years of age or has had the disabilities of minority removed;
 - (2) the parent or legal guardian provides approval through a phone conversation or e-mail that is documented in writing and retained; or
 - (3) an adult who the school district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

§89.1225. Testing and Classification of Students.

- (a) Beginning with school year 2019-2020, the provisions of this section shall expire and be superseded by the provisions in §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).
- (b) Within four weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the required oral language proficiency test in prekindergarten through Grade 12 and norm-referenced standardized achievement instrument in Grades 2-12 as described in subsection (c) of this section and shall be identified as an English learner and placed in the required bilingual education or English as a second language (ESL) program in accordance with the criteria listed in subsection (f) of this section.
- (c) For identifying English learners, school districts shall administer to each student who has a language other than English as identified on the home language survey:
 - (1) in prekindergarten through Grade 1, an oral language proficiency test approved by the Texas Education Agency (TEA); and
 - (2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced assessment.
- (d) School districts that provide a bilingual education program at the elementary grades shall administer an oral language proficiency test in the primary language of the student who is eligible to be served in the bilingual education program. If the primary language of the

student is Spanish, the school district shall administer a Spanish TEA-approved oral language proficiency test. If a TEA-approved language proficiency test is not available in the primary language of the student, the school district shall determine the student's level of proficiency using informal oral language assessment measures.

- (e) All of the language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in the language proficiency testing requirements of the test publisher.
- (f) For entry into a bilingual education or ESL program, a student shall be identified as an English learner using the following criteria.
 - (1) In prekindergarten through Grade 1, the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency.
 - (2) In Grades 2-12:
 - (A) the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency; and
 - (B) the student's score on the English reading and/or English language arts sections of the TEA-approved norm-referenced standardized achievement instrument at his or her grade level is below the 40th percentile.
- (g) A student shall be identified as an English learner if the student's ability in English is so limited that the English oral language proficiency or norm-referenced assessments described in subsection (c) of this section cannot be administered.
- (h) The language proficiency assessment committee in conjunction with the admission, review, and dismissal (ARD) committee shall identify a student as an English learner if the student's ability in English is so limited or the student's disabilities are so severe that the English oral language proficiency or norm-referenced assessments described in subsection (c) of this section cannot be administered. The decision for entry into a bilingual education or ESL program shall be determined by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1220(f) of this title (relating to Language Proficiency Assessment Committee).
- (i) For exit from a bilingual education or ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equally in a general education, all-English instructional program. This determination shall be based upon all of the following:
 - (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
 - (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
 - (3) English proficiency on a TEA-approved criterion-referenced written test and the results of a subjective teacher evaluation using the state's standardized rubric.
- (j) A student may not be exited from the bilingual education or ESL program in prekindergarten or kindergarten. A school district must ensure that English learners are prepared to meet academic standards required by the TEC, §28.0211.

- (k) A student may not be exited from the bilingual education or ESL program if the language proficiency assessment committee has recommended designated supports or accommodations on the state reading or writing assessment instrument.
- (l) For English learners who are also eligible for special education services, the standardized process for English learner program exit is followed in accordance with applicable provisions of subsection (i) of this section. However, annual meetings to review student progress and make recommendations for program exit must be made in all instances by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1230(b) of this title (relating to Eligible Students with Disabilities). Additionally, the language proficiency committee in conjunction with the ARD committee shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with §89.1230(a) of this title.
- (m) For an English learner with significant cognitive disabilities, the language proficiency assessment committee in conjunction with the ARD committee may determine that the state's English language proficiency assessment for exit is not appropriate because of the nature of the student's disabling condition. In these cases, the language proficiency assessment committee in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and shall determine an appropriate performance standard requirement for exit by language domain under subsection (i)(1) of this section.
- (n) Notwithstanding §101.101 of this title (relating to Group-Administered Tests), all tests used for the purpose of identification, exit, and placement of students and approved by the TEA must be re-normed at least every eight years.
- (o) The grade levels and the scores on each test that shall identify a student as an English learner or exit a student from a bilingual or ESL program shall be established by the TEA. The commissioner of education may review the approved list of tests, grade levels, and scores annually and update the list.

§89.1227. Minimum Requirements for Dual Language Immersion Program Model.

- (a) A dual language immersion program model shall address all curriculum requirements specified in Chapter 74, Subchapter A, of this title (relating to Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.
- (b) A dual language immersion program model shall be a full-time program of academic instruction in English and another language.
- (c) A dual language immersion program model shall provide equitable resources in English and the additional program language whenever possible.
- (d) A minimum of 50% of instructional time shall be provided in the language other than English for the duration of the program.
- (e) Implementation shall:
 - (1) begin at prekindergarten or kindergarten, 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 dual language immersion program model shall be developmentally appropriate and based on current best practices identified in research.
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§89.1228. Two-Way Dual Language Immersion Program Model Implementation.

- (a) Student enrollment in a two-way dual language immersion program model is optional for English proficient students in accordance with §89.1233(a) of this title (relating to Participation of English Proficient Students).
 - (b) A two-way dual language immersion program model shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability.
 - (c) A school district implementing a two-way dual language immersion program model shall develop a policy on enrollment and continuation for students in this program model. The policy shall address:
 - (1) eligibility criteria;
 - (2) program purpose;
 - (3) the district's commitment to providing equitable access to services for English learners;
 - (4) grade levels in which the program will be implemented;
 - (5) support of program goals as stated in §89.1210 of this title (relating to Program Content and Design); and
 - (6) expectations for students and parents.
 - (d) A school district implementing a two-way program model shall obtain written parental approval as follows.
 - (1) For English learners, written parental approval is obtained in accordance with §89.1240 of this title (relating to Parental Authority and Responsibility).
 - (2) For English proficient students, written parental approval is obtained through a school district-developed process.
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§89.1229. General Standards for Recognition of Dual Language Immersion Program Models.

- (a) School recognition. A school district may recognize one or more of its schools that implement an exceptional dual language immersion program model if the school meets all of the following criteria.
 - (1) The school must meet the minimum requirements stated in §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model).
 - (2) The school must receive an acceptable performance rating in the state accountability system.
 - (3) The school 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.
- (b) Student recognition. A student participating in a dual language immersion program model or any other state-approved bilingual or ESL program model may be recognized by the

program and its local school district board of trustees by earning a performance acknowledgement in accordance with §74.14 of this title (relating to Performance Acknowledgments).

§89.1230. Eligible Students with Disabilities.

- (a) School districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with Subchapter AA of this chapter (relating to Commissioner's Rules Concerning Special Education Services) and shall establish placement procedures that ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.
 - (b) Language proficiency assessment committee members shall meet in conjunction with admission, review, and dismissal committee members to review and provide recommendations with regard to the educational needs of each English learner who qualifies for services in the special education program.
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§89.1233. Participation of English Proficient Students.

- (a) School districts shall fulfill their obligation to provide required bilingual program services to English learners in accordance with Texas Education Code (TEC), §29.053.
 - (b) School districts may enroll students who are not English learners in the bilingual education program or the English as a second language program in accordance with TEC, §29.058.
 - (c) The number of participating students who are not English learners shall not exceed 40% of the number of students enrolled in the program district-wide in accordance with TEC, §29.058.
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§89.1235. Facilities.

Bilingual education and English as a second language (ESL) programs shall be located in the public schools of the school district with equitable access to all educational resources rather than in separate facilities. In order to provide the required bilingual education or ESL programs, school districts may concentrate the programs at a limited number of facilities within the school district. Recent immigrant English learners shall not remain enrolled in newcomer centers for longer than two years.

§89.1240. Parental Authority and Responsibility.

- (a) The parent or legal guardian shall be notified in English and the parent or legal guardian's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or English as a second language (ESL) program. They shall be provided information describing the bilingual education or ESL program recommended, its benefits to the student, and its being an integral part of the school program to ensure that the parent or legal guardian understands the purposes and content of the program. The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or

legal guardian in order to have the student included in the bilingual education allotment. The parent's or legal guardian's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020), the student graduates from high school, or a change occurs in program placement.

- (b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.
 - (c) The parent or legal guardian of a student enrolled in a school district that is required to offer bilingual education or ESL programs may appeal to the commissioner of education if the school district fails to comply with the law or the rules. Appeals shall be filed in accordance with Chapter 157 of this title (relating to Hearings and Appeals).
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§89.1245. Staffing and Staff Development.

- (a) School districts shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and English as a second language (ESL) programs in accordance with the Texas Education Code (TEC), §29.061, concerning bilingual education and special language program teachers. School districts that are unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs shall request activation of the appropriate permits in accordance with Chapter 230 of this title (relating to Professional Educator Preparation and Certification).
- (b) School districts that are unable to employ a sufficient number of teachers, including part-time teachers, who meet the requirements of subsection (a) of this section for the bilingual education and ESL programs shall apply on or before November 1 for an exception to the bilingual education program as provided in §89.1207(a) of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers) or a waiver of the certification requirements in the ESL program as provided in §89.1207(b) of this title as needed.
- (c) Teachers assigned to the bilingual education program and/or ESL program may receive salary supplements as authorized by the TEC, §42.153.
- (d) School districts may compensate teachers and aides assigned to bilingual education and ESL programs for participation in professional development designed to increase their skills or lead to bilingual education or ESL certification.
- (e) The commissioner of education shall encourage school districts to cooperate with colleges and universities to provide training for teachers assigned to the bilingual education and/or ESL programs.
- (f) The Texas Education Agency shall develop, in collaboration with education service centers, resources for implementing bilingual education and ESL training programs. The materials shall provide a framework for:

- (1) developmentally appropriate bilingual education programs for early childhood through the elementary grades;
 - (2) affectively, linguistically, and cognitively appropriate instruction in bilingual education and ESL programs in accordance with §89.1210(b)(1)-(3) of this title (relating to Program Content and Design); and
 - (3) developmentally appropriate programs for English learners identified as gifted and talented and English learners with disabilities.
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§89.1250. Required Summer School Programs.

Summer school programs that are provided under the Texas Education Code (TEC), §29.060, for English 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 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 learners in accordance with §89.1210(b) of this title (relating to Program Content and Design).
- (2) Establishment of, and eligibility for, the program.
 - (A) Each school 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 learner; and
 - (ii) a parent or guardian must have approved placement of the English 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(b)-(f) of this title (relating to Testing and Classification of Students) or §89.1226(b)-(f) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).
- (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 school district is not required to provide transportation for the summer program.
 - (E) Teachers shall possess certification 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.
 - (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 fewer than 10 students district-wide desiring to participate is not required to operate the program. However, those school districts must document that they have encouraged students' participation in multiple ways.
 - (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.

§89.1265. Evaluation.

- (a) All school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation in accordance with Texas Education Code (TEC), §29.053, collecting a full range of data to determine program effectiveness to ensure student academic success. The annual evaluation report shall be presented to the board of trustees before November 1 of each year and the report shall be retained at the school district level in accordance with TEC, §29.062.
- (b) Annual school district reports of educational performance shall reflect:

- (1) the academic progress in the language(s) of instruction for English learners;
 - (2) the extent to which English learners are becoming proficient in English;
 - (3) the number of students who have been exited from the bilingual education and ESL programs; and
 - (4) the number of teachers and aides trained and the frequency, scope, and results of the professional development in approaches and strategies that support second language acquisition.
- (c) In addition, for those school districts that filed in the previous year and/or will be filing a bilingual education exception and/or ESL waiver in the current year, the annual district report of educational performance shall also reflect:
- (1) the number of teachers for whom an exception or waiver was/is being filed;
 - (2) the number of teachers for whom an exception or waiver was filed in the previous year who successfully obtained certification; and
 - (3) the frequency and scope of a comprehensive professional development plan, implemented as required under §89.1207 of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers), and results of such plan if an exception and/or waiver was filed in the previous school year.
- (d) School districts shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.
- (e) 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 TEC, §11.253, for the purpose of improving student performance for English learners.
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LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual

Texas Education Code, Subchapter B. Bilingual
Education and Special Language Programs
(29.051-29.066)



Subchapter B. Bilingual Education and Special Language Programs

Sec. 29.051. State Policy.

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of students of limited English proficiency, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., Ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.052. Definitions.

In this subchapter:

- (1) "Student of limited English proficiency" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary class work in English.
- (2) "Parent" includes a legal guardian of a student.

Added by Acts 1995, 74th Leg., Ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.053. Establishment of Bilingual Education and Special Language Programs

- (a) The agency shall establish a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.
- (b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under Section 29.063 shall determine and report to the board of trustees of the district the number of students of limited English proficiency on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The board shall report that information to the agency before November 1 each year.
- (c) Each district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special

language program.

- (d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:
 - (1) Bilingual education in kindergarten through the elementary grades;
 - (2) Bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and
 - (3) Instruction in English as a second language in grades 9 through 12

Added by Acts 1995, 74th Leg., Ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.054. Exception.

- (a) If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by the agency.
- (b) An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:
 - (1) documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;
 - (2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve limited English proficiency students;
 - (3) documentation showing that, on the basis of district records, no teacher having a teaching Texas Education certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and
 - (4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.
- (c) An exception shall be granted under this section on an individual district basis and is valid for only one year. Application for an exception for a second or succeeding year must be accompanied by the documentation prescribed by Subsection (b).
- (d) During the period for which a district is granted an exception under this section, the district must use alternative methods approved by the agency to meet the needs of its students of limited English proficiency, including hiring teaching personnel under a bilingual emergency permit.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.055. Program Content; Method of Instruction.

- (a) A bilingual education program established by a school district shall be a full-time program of dual language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. A program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences.
- (b) A program of bilingual education or of instruction in English as a second language shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.
- (c) In subjects such as art, music, and physical education, students of limited English proficiency shall participate fully with English-speaking students in regular classes provided in the subjects
- (d) Elective courses included in the curriculum may be taught in a language other than English
- (e) Each school district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities.
- (f) If money is appropriated for the purpose, the agency shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.056. Enrollment of Students in Program.

- (a) The agency shall establish standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The school district or parent may appeal the decision under Section 29.064. The criteria for identification, assessment, and classification may include:
 - (1) results of a home language survey conducted within four weeks of each student's enrollment to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if the student is in kindergarten through grade 8 or by the student if the student is in grades 9 through 12, and kept in the student's permanent folder by the language proficiency assessment committee;

- (2) the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade 1 being administered an oral English proficiency test and students in grades 2 through 12 being administered an oral and written English proficiency test; and
 - (3) the results of an agency-approved proficiency test in the primary language administered to all students identified under Subdivision (2) as being of limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade 1 being administered an oral primary language proficiency test and students in grades 2 through 12 being administered an oral and written primary language proficiency test.
- (b) Tests under Subsection (a) shall be administered by professionals or paraprofessionals with the appropriate English and primary language skills and the training required by the test publisher.
 - (c) The language proficiency assessment committee may classify a student as limited English proficiency if:
 - (1) the student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
 - (2) the student's score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;
 - (3) the student's primary language proficiency score as measured by an agency-approved test is greater than the student's proficiency in English; or
 - (4) the language proficiency assessment committee determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English, or that the student is not reasonably proficient in English.
 - (d) Not later than the 10th day after the date of the student's classification as a student of limited English proficiency, the language proficiency assessment committee shall give written notice of the classification to the student's parent. The notice must be in English and the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.
 - (e) The language proficiency assessment committee may retain, for documentation purposes, all records obtained under this section.
 - (f) The district may not refuse to provide instruction in a language other than English to a student solely

because the student has a disability.

- (g) A district may transfer a student of limited English proficiency out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:
 - (1) agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
 - (2) satisfactory performance on the reading assessment instrument under Section 39.023(a) or an English language arts assessment instrument under Section 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and
 - (3) agency-approved criterion-referenced tests and the results of a subjective teacher evaluation.
- (h) If later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the language proficiency assessment committee may reenroll the student in the program. Classification of students for reenrollment must be based on the criteria required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2006, 79th Leg., 3rd C.S., ch. 5, Sec. 3.06, eff. May 26, 2006.

Sec. 29.0561. Evaluation of Transferred Students; Reenrollment.

- (a) The language proficiency assessment committee shall reevaluate a student who is transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 28.002(a)(1) during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.
- (b) During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall review the student's performance and consider:
 - (1) the total amount of time the student was enrolled in a bilingual education or special language program;
 - (2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);

- (3) the student's performance on each assessment instrument administered under Section 39.023 (a) or (c)
 - (4) the number of credits the student has earned toward high school graduation, if applicable;
 - (5) any disciplinary actions taken against the student under Subchapter A, Chapter 37.
- (c) After an evaluation under this section, the language proficiency assessment committee may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 5, Sec. 3.07, eff. May 26, 2006.

Sec. 29.057. Facilities; Classes.

- (a) Bilingual education and special language programs must be located in the regular public schools of the district rather than in separate facilities.
- (b) Students enrolled in bilingual education or a special language program shall be placed in classes with other students of approximately the same age and level of educational attainment. The school district shall ensure that the instruction given each student is appropriate to the student's level of educational attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.
- (c) The maximum student-teacher ratio shall be set by the agency and shall reflect the special educational needs of students enrolled in the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.058. Enrollment of Students Who Do Not Have Limited English Proficiency

With the approval of the school district and a student's parents, a student who does not have limited English proficiency may also participate in a bilingual education program. The number of participating students who do not have limited English proficiency may not exceed 40 percent of the number of students enrolled in the program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.059. Cooperation Among Districts

- (a) A school district may join with one or more other districts to provide the bilingual education and special language programs required by this subchapter. The availability of the programs shall be publicized throughout the districts involved.
- (b) A school district may allow a nonresident student of limited English proficiency to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.060. Preschool, Summer School, and Extended Time Programs

- (a) Each school district that is required to offer a bilingual education or special language program shall offer a voluntary program for children of limited English proficiency who will be eligible for admission to kindergarten or the first grade at the beginning of the next school year. A school that operates on a system permitted by this code other than a semester system shall offer 120 hours of instruction on a schedule the board of trustees of the district establishes.

A school that operates on a semester system shall offer the program:

- (1) during the period school is recessed for the summer; and
 - (2) for one-half day for eight weeks or on a similar schedule approved by the board of trustees.
- (b) Enrollment of a child in the program is optional with the parent of the child.
 - (c) The program must be an intensive bilingual education or special language program that meets standards established by the agency. The student/teacher ratio for the program may not exceed 18/1.
 - (d) A school district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other districts in establishing the programs.
 - (e) The programs required or authorized by this section may not be a substitute for programs required to be provided during the regular school year.
 - (f) The legislature may appropriate money from the foundation school fund for support of a program under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.061. Bilingual Education and Special Language Program Teachers

- (a) The State Board for Educator Certification shall provide for the issuance of teaching certificates appropriate for bilingual education instruction to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general August 2008 Requirements of Chapter 21. The board shall also provide for the issuance of teaching certificates appropriate for teaching English as a second language. The board may issue emergency endorsements in bilingual education and in teaching English as a second language.
- (b) A teacher assigned to a bilingual education program must be appropriately certified for bilingual education by the board. (1) transitional bilingual/early exit program model; or (2) transitional bilingual/late exit program model.
 - (b-1) A teacher assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified by the board for: (1) bilingual education for the component of the program provided in a language other than English; and (2) bilingual education or English as a second language for the component of the program provided in English.
 - (b-2) A school district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified under Subsection (b-1)(1) for the language other than English component of the program and a different teacher certified under Subsection (b-1)(2) for the English language component.
- (c) A teacher assigned to an English as a second language program must be appropriately certified for English as a second language by the board.
- (d) A school district may compensate a bilingual education or special language teacher for participating in a continuing education program that is in addition to the teacher's regular contract. The continuing education program must be designed to provide advanced bilingual education or special language program endorsement or skills.
- (e) The State Board for Educator Certification and the Texas Higher Education Coordinating Board shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2015, 84th Leg., R.S., Ch. 453 (H.B. 218), Sec. 1, eff. June 15, 2015.

Sec. 29.062. Compliance.

- (a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the academic excellence indicators adopted under Section 39.051(a), including the results of assessment instruments. The agency may combine evaluations

under this section with federal accountability measures concerning students of limited English proficiency.

- (b) The areas to be monitored shall include:
 - (1) program content and design;
 - (2) program coverage;
 - (3) identification procedures;
 - (4) classification procedures;
 - (5) staffing;
 - (6) learning materials;
 - (7) testing materials;
 - (8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; and
 - (9) activities of the language proficiency assessment committees.
- (c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district or open-enrollment charter school and to the division of accreditation.
- (d) The agency shall notify a school district or open-enrollment charter school found in noncompliance in writing, not later than the 30th day after the date of the on-site monitoring. The district or open-enrollment charter school shall take immediate corrective action.
- (e) If a school district or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection (a), the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1, Sec. 19, eff. Sept. 1, 2003.

Sec. 29.063. Language Proficiency Assessment Committees.

- (a) Each school district that is required to offer bilingual education and special language programs shall establish a language proficiency assessment committee.
- (b) Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator
- (c) The language proficiency assessment committee shall:
 - (1) review all pertinent information on limited English proficiency students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

- (2) make recommendations concerning the most appropriate placement for the educational advancement of the limited English proficiency student after the elementary grades;
 - (3) review each limited English proficiency student's progress at the end of the school year in order to determine future appropriate placement;
 - (4) monitor the progress of students formerly classified as limited English proficiency who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and
 - (5) determine the appropriateness of a program that extends beyond the regular school year based on the needs of each limited English proficiency student.
- (d) The agency may prescribe additional duties for language proficiency assessment committees.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 29.064. Appeals.

A parent of a student enrolled in a school district offering bilingual education or special language programs may appeal to the commissioner if the district fails to comply with the requirements established by law or by the agency as authorized by this subchapter. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the board of trustees. Appeals shall be conducted in accordance with procedures adopted by the commissioner.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

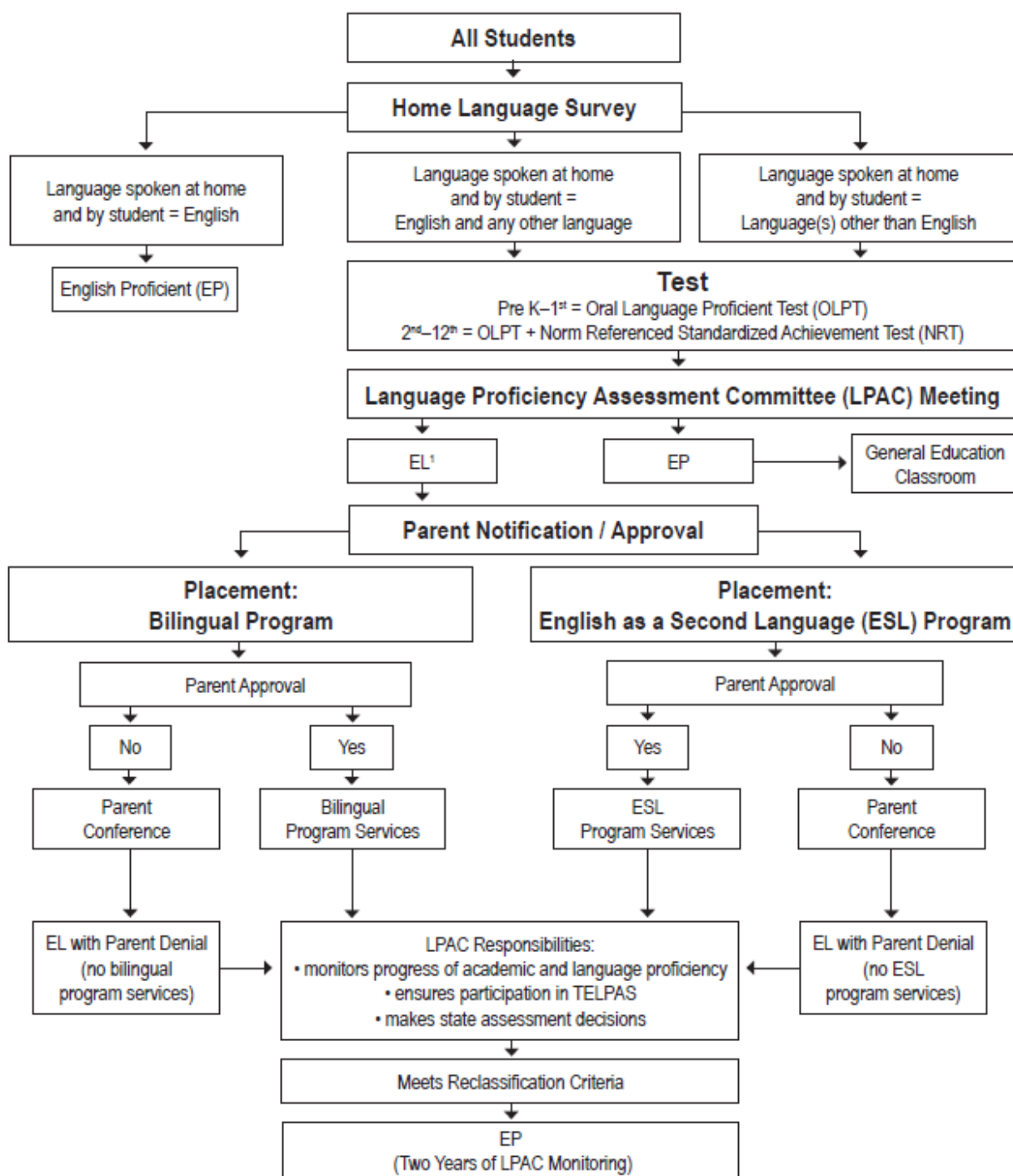
Sec. 29.066. PEIMS Reporting Requirements.

- (a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:
- (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;
 - (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and
 - (3) the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction.
- (b) For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

- (1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:
 - (A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;
 - (B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;
 - (C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or
 - (D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and
- (2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:
 - (A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or
 - (B) English as a second language/pull-out: an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.
- (c) If the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

Added by Acts 2007, 80th Leg., R.S., Ch. 1340, Sec. 2, eff. June 15, 2007.

English Learner (EL) Identification/Reclassification Flowchart



¹Criteria for EL identification:
 Pre-K – 1st OLPT below English proficient level = EL
 2nd – 12th OLPT below English proficient level and NRT at grade level
 for Reading and/or English language arts below 40th percentile = EL

The terms Limited English Proficient (LEP) and English learner (EL) are used interchangeably. The term LEP is still used for data collection in the Public Education Information Management Systems (PEIMS).



§ 89.1203. Definitions.

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

- (1) Bilingual education allotment--An adjusted basic funding allotment provided for each school district based on student average daily attendance in a bilingual education or special language program in accordance with Texas Education Code (TEC), §42.153.
- (2) Certified English as a second language teacher--The term "certified English as a second language teacher" as used in this subchapter is synonymous with the term "professional transitional language educator" used in TEC, §29.063.
- (3) Dual language immersion--A state-approved bilingual program model in accordance with TEC, §29.066.
- (4) Dual-language instruction--An educational approach that focuses on the use of English and the student's primary language for instructional purposes.
- (5) English as a second language program--A special language program in accordance with TEC, Chapter 29.
- (6) English language proficiency standards (ELPS)--Standards to be published along with the Texas Essential Knowledge and Skills for each subject in the required curriculum outlined in Chapter 74 of this title (relating to Curriculum Requirements), including foundation and enrichment areas, ELPS, and college and career readiness standards.
- (7) English learner--A student who is in the process of acquiring English and has another language as the primary language. The terms English language learner and English learner are used interchangeably and are synonymous with limited English proficient (LEP) student, as used in TEC, Chapter 29, Subchapter B.
- (8) Exit--The point when a student is no longer classified as LEP (i.e., the student is reclassified), no longer requires bilingual or special language program services, and is classified as non-LEP in the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The term "exit" as used in this subchapter is synonymous with the description in TEC, Chapter 29, of "transferring out" of bilingual or special language programming.
- (9) Reclassification--The process by which the language proficiency assessment committee determines that an English learner has met the appropriate criteria to be classified as non-LEP and is coded as such in TSDS PEIMS.
- (10) School district--For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.



§89.1201. Policy.

- (a) It is the policy of the state that every student in the state who has a primary language other than English and who is identified as an English learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program, as required in the Texas Education Code (TEC), Chapter 29, Subchapter B. To ensure equal educational opportunity, as required in the TEC, §1.002(a), each school district shall:
 - (1) identify English learners based on criteria established by the state;
 - (2) provide bilingual education and ESL programs, as integral parts of the general program as described in the TEC, §4.002;

- (3) seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills required by the state; and
- (4) assess achievement for essential knowledge and skills in accordance with the TEC, Chapter 29, to ensure accountability for English learners and the schools that serve them.



§89.1235. Facilities.

Bilingual education and English as a second language (ESL) programs shall be located in the public schools of the school district with equitable access to all educational resources rather than in separate facilities. In order to provide the required bilingual education or ESL programs, school districts may concentrate the programs at a limited number of facilities within the school district. Recent immigrant English learners shall not remain enrolled in newcomer centers for longer than two years.

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
Introduction



Introduction



§89. 1220. Language Proficiency Assessment Committee.

- (a) School districts shall by local board policy establish and operate a language proficiency assessment committee. The school district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).



§89.1205. Required Bilingual Education and English as a Second Language Programs.

- (e) School districts may join with other school districts to provide bilingual education or ESL programs.



§89. 1220. Language Proficiency Assessment Committee.

- (b) The language proficiency assessment committee shall include an appropriately certified bilingual educator (for students served through a bilingual education program), an appropriately certified English as a second language (ESL) educator (for students served through an ESL program), a parent of an English learner participating in a bilingual or ESL program, and a campus administrator in accordance with Texas Education Code (TEC), §29.063.
- (c) In addition to the three required members of the language proficiency assessment committee, the school district may add other trained members to the committee.
- (d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.



§ 89.1203. Definitions.

- (2) Certified English as a second language teacher--The term "certified English as a second language teacher" as used in this subchapter is synonymous with the term "professional transitional language educator" used in TEC, §29.063.



Sec. 29.063. Language Proficiency Assessment Committees.

- (b) Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.
- (c) The language proficiency assessment committee shall:
 - (1) review all pertinent information on limited English proficiency students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

- (2) make recommendations concerning the most appropriate placement for the educational advancement of the limited English proficiency student after the elementary grades;
- (3) review each limited English proficiency student's progress at the end of the school year in order to determine future appropriate placement;
- (4) monitor the progress of students formerly classified as limited English proficiency who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and
- (5) determine the appropriateness of a program that extends beyond the regular school year based on the needs of each limited English proficiency student.



§89.1220. Language Proficiency Assessment Committee.

- (g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all English learners identified in accordance with §89.1225(f) of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020) and shall:
 - (1) designate the language proficiency level of each English learner in accordance with the guidelines issued pursuant to §89.1225(b)-(f) or §89.1226(b)-(f) of this title;
 - (2) designate the level of academic achievement of each English learner;
 - (3) designate, subject to parental approval, the initial instructional placement of each English learner in the required program;
 - (4) facilitate the participation of English learners in other special programs for which they are eligible while ensuring full access to the language program services required under the TEC, §29.053; and
 - (5) reclassify students, at the end of the school year only, as English proficient in accordance with the criteria described in §89.1225(i) or §89.1226(i) of this title.
- (i) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each English learner as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments).
- (l) The student's permanent record shall contain documentation of all actions impacting the English learner.
 - (1) Documentation shall include:
 - (A) the identification of the student as an English learner;
 - (B) the designation of the student's level of language proficiency;
 - (C) the recommendation of program placement;
 - (D) parental approval of entry or placement into the program;
 - (E) the dates of entry into, and placement within, the program;

- (F) assessment information as outlined in Chapter 101, Subchapter AA, of this title;
 - (G) additional instructional interventions provided to address the specific language needs of the student;
 - (H) the date of exit from the program and parental approval;
 - (I) the results of monitoring for academic success, including students formerly classified as English learners, as required under the TEC, §29.063(c)(4); and
 - (J) the home language survey.
-

LPAC Parent Membership Request Letter

Date: _____

Dear Parents:

According to state policy, we are required to have a parent of a student who participates in a Bilingual or English as a Second Language program serve on our school's Language Proficiency Assessment Committee (LPAC). The LPAC serves as the students' advocate to make certain they receive the appropriate services.

We are asking for parent volunteers who would be willing to serve as our parent member of the LPAC. You will receive training at the first LPAC meeting and then be asked to assist the team in identifying and placing children in the appropriate program for language development and academic success. In addition, parent volunteers will participate in annual reviews and other meetings as necessary to ensure student progress.

If you would be willing to serve on the LPAC, please fill out the information below and send the form to school with your child. If you have any questions please contact _____ at _____.

Sincerely,

_____,
School Principal

Parent Name(s)/Legal Representative: _____

Phone: _____

Child's Name: _____

School: _____

Grade: _____

LPAC Member Roster School Year _____

Date: _____	
Independent School District/Charter School: _____	
Campus: _____	
Name of LPAC Member	Signature
1. _____, <i>Professional Bilingual Educator</i>	
2. _____, <i>Professional Transitional Language Educator/ESL Teacher</i>	
3. _____, <i>Parent Representative</i>	
4. _____, <i>Campus Administrator</i>	
5. _____, <i>LPAC Representative for ARD Committee (if needed)</i>	
6. _____	
7. _____	
8. _____	

LPAC Confidentiality Statement **_____ Independent School District / Charter School**

I, _____, serve as a member of the _____ (school) Language Proficiency Assessment Committee (LPAC) as provided by 19 TAC Chapter 89.1220(f).

I hereby certify that I have been informed that any educational records examined by me in connection with the performance of my duties as a member of the LPAC are confidential records as defined by the Family Educational Rights and Privacy Act and the contents are not to be released except in compliance with the terms of that statute. *20 U.S.C., Section 1232g; 34CFR, Part 99.*

Signature: _____

Date: _____

Yo, el suscrito, _____ actúo como miembro del comité de evaluación de la competencia lingüística (LPAC, por sus siglas en inglés) de la escuela _____ de acuerdo con el 19 TAC Capítulo 89.1220(f).

Por la presente certifico que he sido informado que cualquier archivo educativo que examine en relación a mis responsabilidades como miembro del LPAC es archivo confidencial, según lo estipula la Ley de Privacidad y de Derechos Educativos de la Familia, cuyo contenido no será divulgado excepto en acuerdo con los términos de dicha ley. *20 U.S.C., Sección 1232g; 34CFR, Parte 99.*

Firma: _____

Fecha: _____

LPAC Meeting Roster Form

Date: _____
Independent School District/Charter School: _____
Campus: _____
LPAC Members Present:
1. _____, <i>Bilingual or ESL Educator</i>
2. _____, <i>Professional Transitional Language Educator/ESL Teacher</i>
3. _____, <i>Campus Administrator</i>
4. _____, <i>Parent Representative</i>
5. _____, <i>ARD Committee Representative (if needed)*</i>
6. _____, <i>Other (Specify Title):</i>

Student Names	ID Number	Years in U.S. Schools	Grade	Primary Language	Oral Language Proficiency Test Score (OLPT)	Norm Referenced Standardized Achievement Test Score(s)	Program Placement	TELPAS Composite Score	State Assessment

The student’s record or other record that transfers with the student shall contain documentation of all actions impacting the English learner. *LPAC must work in conjunction with the ARD Committee.

LPAC Meeting Minutes Form

Campus: _____

Date: _____

This LPAC meeting will review and address: (check all that apply)

- Program Placements
- Instructional Levels
- Instructional Interventions
- Participation in state assessments
- Reclassification of Students
- Two-Year Follow-up
- Parent Denials
- Special Education Students
- Other, please specify: _____

Summary of LPAC decisions or actions taken:

Circle grade levels reviewed: PK K 1 2 3 4 5 6 7 8 9 10 11 12

The student’s permanent record or other record that transfers with the student shall contain all actions impacting the English learner.

Signature of person completing minutes

Position

_____ **INDEPENDENT SCHOOL DISTRICT/CHARTER SCHOOL**

HOME LANGUAGE SURVEY-19 TAC Chapter 89, Subchapter BB, §89.1215

(Home Language Survey applicable ONLY if administered for students enrolling in pre-kindergarten through grade 12)

TO BE COMPLETED BY PARENT OR GUARDIAN FOR STUDENTS ENROLLING IN PREKINDERGARTEN THROUGH GRADE 8 (OR BY STUDENT IN GRADES 9-12): The state of Texas requires that the following information be completed for each student who enrolls in a Texas public school for the first time. It is the responsibility of the parent or guardian, not the school, to provide the language information requested by the questions below.

Dear Parent or Guardian:

To determine if your child would benefit from Bilingual and/or English as a Second Language program services, please answer the two questions below.

If either of your responses indicates the use of a language other than English, then the school district must conduct an assessment to determine how well your child communicates in English. This assessment information will be used to determine if Bilingual and/or English as a Second Language program services are appropriate and to inform instructional and program placement recommendations. If you have questions about the purpose and use of the Home Language Survey, or you would like assistance in completing the form, please contact your school/district personnel.

For more information on the process that must be followed, please visit the following website:

https://projects.esc20.net/upload/page/0084/docs/EL%20Identification_ReclassificationFlowchart%202018.pdf

This survey shall be kept in each student's permanent record folder.

NAME OF STUDENT: _____

STUDENT ID#: _____

ADDRESS: _____

TELEPHONE #: _____

CAMPUS: _____

NOTE: PLEASE INDICATE ONLY ONE LANGUAGE PER RESPONSE.

1. What language is spoken in the child's home **most of the time**? _____

2. What language does the child speak **most of the time**? _____

Signature of Parent/Guardian

Date

Signature of Student if Grades 9-12

Date

NOTE: If you believe you made an error when completing this Home Language Survey, you may request a correction, in writing, only if: 1) your child has not yet been assessed for English proficiency; and 2) your written correction request is made within two calendar weeks of your child's enrollment date.

Bilingual Education Program Benefits **_____ Independent School District/Charter School**

Student Name: _____

Dear Parent or Guardian:

There are benefits that will be gained by your son/daughter when he/she participates in a bilingual education program. Because your child hears Spanish at home and/or speaks Spanish with other children, he/she would benefit from bilingual instruction. The bilingual education program provides your child with Spanish instruction by a teacher who also speaks Spanish to make sure that he/she understands what the teacher is saying; therefore, the student achieves his/her own potential.

English is clearly an important language for success. Your child will receive daily instruction in Spanish, and as he/she is able to understand and speak English more, the teacher's instruction will be in English. The concepts and skills learned in Spanish will transfer to English. Knowledge that your child acquires through learning to read and completing assignments in mathematics, science and other subject areas in Spanish transfers to English as he/she learns to understand and speak English. If a student is also enrolled in a special education program, the teachers collaborate so that instruction is provided according to the student's Individualized Education Program (IEP). The Language Proficiency Assessment Committee (LPAC) in conjunction with the Admission, Review and Dismissal (ARD) Committee will determine appropriate instruction.

However, if you **do not** want your child to participate in the bilingual education program, please contact me or your child's teacher to discuss other options for your child to develop English language proficiency.

Thank you,

_____, School Principal

I **do not** want my son/daughter to participate in the bilingual education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Parent/ Guardian Signature

Date

For school use:

Date received by campus

English as a Second Language (ESL) Education Program Benefits _____ Independent School District/Charter School

Student Name: _____

Dear Parent or Guardian:

There are benefits that will be gained by your son/daughter when he/she participates in English as a Second Language (ESL) education program. Because your son/daughter hears a language other than English at home and/or speaks a language other than English with peers, he/she would benefit from intensive English instruction. A teacher in the ESL education program is trained on how to teach the English language using special materials, teaching materials, and is sensitive to the individual needs of a student who is learning English. The teacher in an ESL program collaborates with other teachers who may also have your son/daughter in class. This is necessary so that your son/daughter will meet all of the required state standards expected of all students. If a student is also enrolled in a special education program, the teachers collaborate so that instruction is provided according to the student's Individualized Education Program (IEP). The Language Proficiency Assessment Committee (LPAC) in conjunction with the Admission, Review and Dismissal (ARD) Committee will determine appropriate instruction.

However, if you **do not** want your son/daughter to participate in the ESL education program, please contact me or your son/daughter's teacher to discuss other options for the development of English language proficiency.

Thank you,

_____,
School Principal

I **do not** want my son/daughter to participate in the ESL education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Parent Signature

Relationship to Student

Date

For school use:

Date received by campus

English Learner Cumulative Folder Documentation Checklist _____ Independent School District/Charter School

Student Name: _____	Date of Birth: _____
---------------------	----------------------

Initial Documentation		
	Form	Date
√		
<input type="checkbox"/>	Home Language Survey	
<input type="checkbox"/>	TEA-Approved Oral Language Proficiency Test (OLPT) English	
<input type="checkbox"/>	TEA-Approved Oral Language Proficiency Test (OLPT) Spanish	
<input type="checkbox"/>	TEA-Approved Norm-Referenced Standardized Achievement Instrument	
<input type="checkbox"/>	LPAC Initial Placement/Recommendation	
<input type="checkbox"/>	Notification of Placement	
<input type="checkbox"/>	Parent Approval–Identification & Placement TEC 29.056 <i>(same date as program placement)</i>	
<input type="checkbox"/>	Parent Denial	

Annual Documentation								
Documentation	Date	Date	Date	Date	Date	Date	Date	Date
TEA-Approved Oral Language Proficiency Test (OLPT) English								
TEA-Approved Oral Language Proficiency Test (OLPT) Primary Language								
TEA-Approved Norm-Referenced Standardized Achievement Instrument								
State Assessment Results								
TELPAS Individual Student Profile								
Other (district policy)								
Parent Notification and Approval of Reclassification								
Parent Approval–Identification & Placement								

LPAC Initial Review

_____ Independent School District/Charter School

Student name: _____	Enrollment date: _____
Grade: _____	LPAC date: _____
Academic year: _____	Home Language Survey date: _____ Date received by district/charter school: _____

Identification
TEA-Approved Oral Language Proficiency Test: English score: _____ Primary language score: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: Reading percentile: _____ Language Arts percentile: _____

Academic Progress	
Immigrant	New Student History
<p>Immigrant Status According to PEIMS</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Evidence of insufficient schooling outside U.S. <i>(Please attach documentation)</i></p> <p><input type="checkbox"/> Periods of absence of schooling outside U.S.</p> <p><input type="checkbox"/> Evidence of inadequate foundation of learning</p>	<p>New Student</p> <p>Transfer from Texas district</p> <p>Original home language survey (HLS) requested</p> <p><input type="checkbox"/> Requested</p> <p><input type="checkbox"/> Received on (date): _____</p> <p>Transfer from out of state</p> <p><input type="checkbox"/> Review previous records (when available)</p> <p>Transfer from out of country</p> <p><input type="checkbox"/> Review home country transcripts to grant possible credit</p>

Level of Academic Achievement	
Subject	End-of-Year Grade
English/Language Arts	
Math	
Science	
Social Studies	
Other content areas	

LPAC Recommendations
<input type="checkbox"/> English Learner <i>Parent permission date:</i> _____ <i>Parent denial date:</i> _____
<input type="checkbox"/> English Proficient
<input type="checkbox"/> Enter Bilingual Program <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Enter ESL Program <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> Served in Special Program(s) (specify): _____
<input type="checkbox"/> Other: _____
Notes: _____

LPAC Signatures
Bilingual or ESL Educator: _____
Campus Administrator: _____
Parent Representative: _____
ARD Committee Representative (if needed)*: _____
Other (specify title): _____

**____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
Bilingual Program, TEC §29.056**

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the bilingual education program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the bilingual education program will benefit your child’s academic and language development. The bilingual program provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content. The goal of bilingual education programs is to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. The bilingual program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from a bilingual education program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

I **do** want my son/daughter to participate in the bilingual education program.

I **do not** want my son/daughter to participate in the bilingual education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

(name) _____ at our office at (telephone) _____.

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

_____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
English as a Second Language (ESL), TEC §29.056

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the ESL program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the English as a second language (ESL) program will benefit your child’s academic and language development. The ESL program enables English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods and linguistically and culturally responsive teaching. The ESL program emphasizes the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school. The ESL program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

I **do** want my son/daughter to participate in the ESL program.

I **do not** want my son/daughter to participate in the ESL program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

(name) _____ at our office at (telephone) _____.

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

LPAC Review

_____ Independent School District/Charter School

<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	<input type="checkbox"/> Assessment determination	<input type="checkbox"/> Other: _____
----------------------------------	---------------------------------	---------------------------------------------------	---------------------------------------

Student name: _____	Enrollment date: _____
Grade: _____	LPAC date: _____
Academic year: _____	Home Language Survey date: _____ Date received by district/charter school: _____

Identification	
TEA-Approved Test: Oral: _____ Written: _____	Primary language score: _____
TEA-Approved Norm-Referenced Instrument: Reading percentile: _____	Language Arts percentile: _____

Academic Progress										
State Assessment					TELPAS					
Assessment	Type	Date	Circle One		Score	Listening	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Reading			Pass	Fail		Speaking	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Writing			Pass	Fail		Reading	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
ELA			Pass	Fail		Writing	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Science			Pass	Fail		Composite Score	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Social Studies			Pass	Fail		Oral Language Proficiency Level (end-of-year): _____ Instructional Linguistic Accommodations: _____ Assessment Designated Supports: _____ Other (specify): _____ Notes: _____				
Math			Pass	Fail						
Other Assessments										
Reading Instrument Name: _____ Score: _____ TEA-Approved Norm-Referenced Instrument: Date: _____ Reading Percentile: _____ Language Arts Percentile: _____										

Level of Academic Achievement	
Subject	End-of-Year Grade
English/Language Arts	
Math	
Science	
Social Studies	
Other content areas	

LPAC Signatures
Bilingual or ESL Educator: _____
Campus Administrator: _____
Parent Representative: _____
ARD Committee Representative (if needed): _____
Other (specify title): _____

LPAC Recommendations
<input type="checkbox"/> English Learner Parent permission date: _____ Parent denial date: _____
<input type="checkbox"/> English Proficient
<input type="checkbox"/> Enter/Continue Bilingual Program <input type="checkbox"/> Transitional bilingual/early exit <input type="checkbox"/> Transitional bilingual/late exit <input type="checkbox"/> Dual language immersion/two-way <input type="checkbox"/> Dual language immersion/one-way
<input type="checkbox"/> Enter/Continue ESL Program <input type="checkbox"/> English as a second language/content-based <input type="checkbox"/> English as a second language/pull-out
<input type="checkbox"/> State Assessment Determination (see attached documentation)
<input type="checkbox"/> Served in Special Program(s) (specify): _____ <input type="checkbox"/> 1 st Year-F <input type="checkbox"/> 2 nd Year-S <input type="checkbox"/> 3 rd Year-3 <input type="checkbox"/> 4 th Year-4 <input type="checkbox"/> Re-enter program as a result of monitoring <input type="checkbox"/> Reclassification Bilingual or ESL program (met criteria) <input type="checkbox"/> Other: _____

Monitored Student Roster Form

LEP Indicator Coding for PEIMS Reporting

This information needs to be communicated to PEIMs by the LPAC on the code changes of students who are required to be monitored for four years after they are no longer classified as LEP who have achieved English language proficiency.

Date: _____
Independent School District/Charter School: _____
Campus: _____

LEP Indicator Codes

0	Not LEP
1	Identified as limited English proficient (LEP)
F	Student exited from LEP status–Monitored 1 (M1)–student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her first year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP
S	Student exited from LEP status–Monitored 2 (M2)–student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her second year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP
3	Student exited from LEP status–Monitored 3 (M3)–student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her third year of monitoring as required by ESEA Section 3121(a)(5) that LEAs report on the number and percentage of ELs meeting the challenging State academic standards for four years after such students are no longer receiving Title III services
4	Student exited from LEP status–Monitored 4 (M4)–student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her fourth year of monitoring as required by ESEA Section 3121(a)(5) that LEAs report on the number and percentage of ELs meeting the challenging State academic standards for four years after such students are no longer receiving Title III services

Student Names	ID Number	2017-2018 School Year	2018-2019 School Year	2019-2020 School Year	2020-2021 School Year	2021-2022 School Year
(ex.) Angel Hernandez	000123	1	F	S	3	4

Parent Notification on Student Progress _____ Independent School District/Charter School Bilingual Program

Date: _____

Campus: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter in the bilingual program. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
<i>Please check (✓) level attained or attach Confidential Student Report.</i>										
	B- Beginning		I - Intermediate		A - Advanced		AH – Advanced High			
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment					Other
Assessment	Type	Date	Performance Category	Score	Credits earned towards graduation (9-12): _____ Other (specify): _____
Reading		_____		_____	
Writing		_____		_____	
ELA		_____		_____	
Science		_____		_____	
Social Studies		_____		_____	
Math		_____		_____	

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student's language acquisition/academic progress (compare to data on previous page): _____

Your child has been participating in a bilingual education program. The bilingual program provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content. The goal of bilingual education programs is to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. The bilingual program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student's Individualized Education Program (IEP).

For exit from a bilingual education or ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equally in a general education, all-English instructional program. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test and the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, it has been recommended that your son/daughter:

- Continue in the bilingual program
- Re-enter into the bilingual program
- Exit the bilingual program—reclassification criteria met; monitor for two (2) additional school years to ensure success in school
- Continue monitoring for one additional school year—reclassified student
- Has met the reclassification criteria and will be monitored for (2) additional years
- Receive intensive instructional support [TEC 29.0561(c)]
- Exit the bilingual program **pending** STAAR results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the bilingual program.
- Exit the bilingual program **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the bilingual program.

If you have any questions regarding this placement decision or continuation in the program, please contact:

(name) _____ at our office at (telephone) _____.

Parent Notification on Student Progress

_____ Independent School District/Charter School

English as a Second Language (ESL) Program

Date: _____

Campus Name: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter in the ESL program. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
Please check (✓) level attained or attach Confidential Student Report.										
	B- Beginning		I - Intermediate		A - Advanced		AH – Advanced High			
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment					Other
Assessment	Type	Date	Performance Category	Score	Credits earned towards graduation (9-12): _____
Reading		_____		_____	Other (specify): _____
Writing		_____		_____	
ELA		_____		_____	
Science		_____		_____	
Social Studies		_____		_____	
Math		_____		_____	

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student’s language acquisition/academic progress (compare to data on previous page): _____

Your child has been participating in an English as a second language (ESL) program. The ESL program enables English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods and linguistically and culturally responsive teaching. The ESL program emphasizes the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school. The ESL program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument;
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, it has been recommended that your son/daughter:

- Continue in the ESL Program
- Re-enter into the ESL Program
- Exit the ESL Program—reclassification criteria have been met; monitor for two (2) additional school years to ensure success in school
- Continue to be monitored for one additional school year—exited student
- Has met the reclassification criteria and will be monitored for (2) additional years
- Receive intensive instructional support [TEC 29.0561(c)]
- Exit the ESL program **pending** STAAR results. If reclassification criteria is met, the student will exit and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the ESL program.
- Exit the ESL program **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the ESL program.

If you have any questions regarding this placement decision or continuation in the program, please contact: (name) _____ at our office at (telephone) _____.

Parent Notification on Student Progress _____ Independent School District/Charter School

Parent Denial

Date: _____

Campus: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/. </small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
<i>Please check (✓) level attained or attach Confidential Student Report.</i>										
	B- Beginning		I - Intermediate		A - Advanced		AH – Advanced High			
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment					Other
Assessment	Type	Date	Performance Category	Score	Credits earned towards graduation (9-12): _____ Other (specify): _____
Reading		_____		_____	
Writing		_____		_____	
ELA		_____		_____	
Science		_____		_____	
Social Studies		_____		_____	
Math		_____		_____	

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student’s language acquisition/academic progress (compare to data on previous page): _____

Currently, your child is not participating in a bilingual education or English as second language (ESL) program due to a parent denial of services. However, the parent or guardian of an identified English learner may choose to approve the placement of their child in a language program as recommended by the Language Proficiency Assessment Committee (LPAC).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test and the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, the LPAC has recommended the following for your son/daughter:

- Program denied by parent/guardian—continue monitoring academic progress of student
- Program denied by parent/guardian—reclassification criteria met; monitor for two (2) additional years to ensure the success in school
- Program denied by parent/guardian—continue monitoring for one additional school year
- Program denied by parent/guardian—reclassification criteria met and monitoring for (2) additional years completed
- Provide intensive instructional support [TEC 29.0561(c)]
- Reclassification criteria met **pending** STAAR results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue being monitored for academic process.
- Reclassification criteria met **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue being monitored for academic process.

If you have any questions regarding this placement decision or continuation in the program, please contact: (name) _____ at our office at (telephone) _____.

Date sent: _____

Parent Notification and Approval for Reclassification from Bilingual Program

_____ Independent School District/Charter School

Dear _____:

_____ has met the reclassification criteria stated in 19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners Section §89.1225. Please sign and return this letter to approve the placement of _____ in the general education classroom. The student will be monitored for two years based on Texas Education Code §29.063(c)(4).

Thank you,

District _____

I approve the reclassification and placement of _____ in the general education classroom.

Parent Signature

Date

*19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners, §89.1240 Parental Authority and Responsibility.
(b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

**Documentation that the district has attempted to notify parents must be present.

For school use:

Date received by campus

Student met exit criteria

- Testing results verified by _____ (Name)
- Documentation added to student's folder.

Date sent: _____

**Parent Notification and Approval for Reclassification
from ESL Program
_____ Independent School District/Charter School**

Dear _____:

_____ has met the reclassification criteria stated in 19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners Section §89.1225. Please sign and return this letter to approve the placement of _____ in the general education classroom. The student will be monitored for two years based on Texas Education Code §29.063 (c)(4).

Thank you,

District _____

I approve the reclassification and placement of _____ in the general education classroom.

Parent Signature

Date

*19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners, §89.1240 Parental Authority and Responsibility.
(b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

**Documentation that the district has attempted to notify parents must be present.

For school use:

Date received by campus

Student met exit criteria

- Testing results verified by _____ (Name)
- Documentation added to student's folder.

Bilingual Summer School Program K-1
Initial Parent Survey
_____ **Independent School District/Charter School**

Summer: _____
Campus: _____
If your child is entering kindergarten or first grade in the fall of _____, your child may be eligible to attend the <i>Bilingual Summer School Program K-1</i> .
Please complete the following information so that we can send you information about the summer program.
Student name:
Date of birth:
Parent/guardian:
Address:
Telephone:

Please return this form to the principal at your home school or call the Bilingual Department at _____.

**English as a Second Language (ESL)
Summer School Program K-1
Initial Parent Survey**
_____ Independent School District/Charter School

Summer: _____
Campus: _____
If your child is entering kindergarten or first grade in the fall of _____, your child may be eligible to attend the <i>ESL K-1 Summer School Program</i> .
Please complete the following information so that we can send you information about the summer program.
Student name:
Date of birth:
Parent/guardian:
Address:
Telephone:

Bilingual Summer School Program K-1 _____ Independent School District/Charter School

Date:

Dear Parent/Guardian:

The district (campus) will be offering a summer program for English learners who will be enrolled in kindergarten or first grade in the fall. This program will help your child to continue in his/her development of social skills, literacy, and his/her use of language needed for success in school.

The program will take place from _____ to _____. Classes will be from _____ to _____. Children attending the summer program will be offered: _____ (*mention services such as food, transportation, etc.*).

Please fill out the following information needed to place your child on the list of children planning to attend.

Name of child:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in the district during the regular school year, please bring the following documents on the first day of the summer program: (*list documents needed for enrollment*) _____.

If you have any questions, please call _____ at _____.

**English as a Second Language (ESL)
Summer School Program K-1
_____ Independent School District/Charter School**

Dear Parent/Guardian:

The district (campus) will be offering a summer program for English learners who will be enrolled in kindergarten or first grade in the fall. This program will help your child to continue in his/her development of social skills, literacy, and his/her use of language needed for success in school.

The program will take place from (dates) _____ to _____. Classes will be from (time) _____ to _____. Children attending the summer program will be offered (*mention services such as food, transportation, etc.*)

Please fill out the following information needed to place your child on the list of children planning to attend:

Name of child:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in the district during the regular school year, please bring the following documents on the first day of the summer program: (*list documents needed for enrollment*) _____.

Bilingual Summer School Program K-1

_____ Independent School District/Charter School

Date:

_____ Elementary will be offering a summer program for English learners who will be eligible for admission to kindergarten or first grade in the beginning of next school year. This program will help your child to continue in his/her development of English language proficiency, literacy and academic skills needed for success in school.

The summer school program will be held from _____ to _____. Classes will be from _____ to _____.

Students who attend the summer school program will receive:

- _____
- _____
- _____

Please complete the following information to place your child's name on the list of student's planning to attend the summer school program.

Student name:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in school this school year, please bring the following documents on the first day of summer school:

- _____
- _____
- _____

If you have any questions, please call _____ at _____.

English as a Second Language (ESL) Summer School Program K-1 _____ Independent School District/Charter School

Date:

_____ Elementary will be offering a summer program for English learners who will be eligible for admission to kindergarten or first grade in the beginning of next school year. This program will help your child to continue in his/her development of English language proficiency, literacy and academic skills needed for success in school.

The summer school program will be held from _____ to _____. Classes will be from _____ to _____. Students who attend the summer school program will receive:

- _____
- _____
- _____

Please complete the following information to place your child's name on the list of student's planning to attend the summer school program.

Student name:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in school this school year, please bring the following documents on the first day of summer school.

- _____
- _____
- _____

If you have any questions, please contact _____ at _____.

Student History

_____ Independent School District/Charter School

Home Language Survey date: _____																						
Student Name: _____										Date of birth: _____					Student ID#: _____							
School Year	Grade	OLPT	Norm Referenced	State Assessment					TELPAS					LPAC Recommendation					Parent Signature		Initial	
				Rdg/ELA	W	M	S	SS	L	S	R	W	CS	EL	EP	BIL	ESL	Gen Ed	Exit	Approval for Entry		Approval for Exit

Name: _____

EL INSTRUCTIONAL ACCOMMODATIONS CHECKLIST

Beginning of Year (BOY)

Date: ____/____/____

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

Middle of Year (MOY)

Date: ____/____/____

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

End of Year (EOY)

Date: ____/____/____

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

Campus: _____

Grade: _____

Academic Year: _____

Prior Year TELPAS:

L	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
S	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
R	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
W	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH



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Name: _____

EL INSTRUCTIONAL ACCOMMODATIONS CHECKLIST

	Teacher	LPAC Committee
BOY	Subjective Teacher Evaluation: 	Comments/Recommendations:
MOY	Subjective Teacher Evaluation: 	Comments/Recommendations:
EOY	Subjective Teacher Evaluation: Completed by: _____ Signature: _____ Date: _____	Comments/Recommendations: <div data-bbox="1522 954 1864 1190" style="border: 1px solid black; padding: 5px;">EOY Review:<ul style="list-style-type: none"><input type="checkbox"/> TELPAS<input type="checkbox"/> State Assessment Results<input type="checkbox"/> Oral Language Proficiency Test (OLPT)<input type="checkbox"/> Linguistic Accommodations<input type="checkbox"/> Academic Progress</div> Signatures: _____ _____ _____ Date: _____

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
Identification



Identification



§89.1220. Language Proficiency Assessment Committee.

- (e) A school district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of English learners.



§89.1215. Home Language Survey.

- (b) The home language survey shall be administered in English, Spanish, and Vietnamese; for students of other language groups, the home language survey shall be translated into the primary language whenever possible. The home language survey shall contain the following questions.
 - (1) "What language is spoken in the child's home most of the time?"
 - (2) "What language does the child speak most of the time?"
- (c) If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with §89.1225 of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).



§89.1225. Testing and Classification of Students.

- (b) Within four weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the required oral language proficiency test in prekindergarten through Grade 12 and norm-referenced standardized achievement instrument in Grades 2-12 as described in subsection (c) of this section and shall be identified as an English learner and placed in the required bilingual education or English as a second language (ESL) program in accordance with the criteria listed in subsection (f) of this section.
- (c) For identifying English learners, school districts shall administer to each student who has a language other than English as identified on the home language survey:
 - (1) in prekindergarten through Grade 1, an oral language proficiency test approved by the Texas Education Agency (TEA); and
 - (2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced assessment.
- (d) School districts that provide a bilingual education program at the elementary grades shall administer an oral language proficiency test in the primary language of the student who is eligible to be served in the bilingual education program. If the primary language of the student is Spanish, the school district shall administer a Spanish TEA-approved oral language proficiency test. If a TEA-approved language proficiency test is not available in the primary language of the student, the school district shall determine the student's level of proficiency using informal oral language assessment measures.

- (e) All of the language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in the language proficiency testing requirements of the test publisher.
- (f) For entry into a bilingual education or ESL program, a student shall be identified as an English learner using the following criteria.
 - (1) In prekindergarten through Grade 1, the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency.
 - (2) In Grades 2-12:
 - (A) the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency; and
 - (B) the student's score on the English reading and/or English language arts sections of the TEA-approved norm-referenced standardized achievement instrument at his or her grade level is below the 40th percentile.
- (g) A student shall be identified as an English learner if the student's ability in English is so limited that the English oral language proficiency or norm-referenced assessments described in subsection (c) of this section cannot be administered.



§89.1230. Eligible Students with Disabilities.

- (b) Language proficiency assessment committee members shall meet in conjunction with admission, review, and dismissal committee members to review and provide recommendations with regard to the educational needs of each English learner who qualifies for services in the special education program.



§89.1215. Home Language Survey.

- (d) For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made. If attempts to obtain the student's home language survey from the sending district are unsuccessful, the identification process shall begin while attempts to contact the sending district for records continue throughout the four-week testing and identification period.
-

INDEPENDENT SCHOOL DISTRICT/CHARTER SCHOOL

HOME LANGUAGE SURVEY-19 TAC Chapter 89, Subchapter BB, §89.1215

(Home Language Survey applicable ONLY if administered for students enrolling in pre-kindergarten through grade 12)

TO BE COMPLETED BY PARENT OR GUARDIAN FOR STUDENTS ENROLLING IN PREKINDERGARTEN THROUGH GRADE 8 (OR BY STUDENT IN GRADES 9-12): The state of Texas requires that the following information be completed for each student who enrolls in a Texas public school for the first time. It is the responsibility of the parent or guardian, not the school, to provide the language information requested by the questions below.

Dear Parent or Guardian:

To determine if your child would benefit from Bilingual and/or English as a Second Language program services, please answer the two questions below.

If either of your responses indicates the use of a language other than English, then the school district must conduct an assessment to determine how well your child communicates in English. This assessment information will be used to determine if Bilingual and/or English as a Second Language program services are appropriate and to inform instructional and program placement recommendations. If you have questions about the purpose and use of the Home Language Survey, or you would like assistance in completing the form, please contact your school/district personnel.

For more information on the process that must be followed, please visit the following website:

https://projects.esc20.net/upload/page/0084/docs/EL%20Identification_ReclassificationFlowchart%202018.pdf

This survey shall be kept in each student's permanent record folder.

NAME OF STUDENT: _____

STUDENT ID#: _____

ADDRESS: _____

TELEPHONE #: _____

CAMPUS: _____

NOTE: PLEASE INDICATE ONLY ONE LANGUAGE PER RESPONSE.

1. What language is spoken in the child's home **most of the time**? _____

2. What language does the child speak **most of the time**? _____

Signature of Parent/Guardian

Date

Signature of Student if Grades 9-12

Date

NOTE: If you believe you made an error when completing this Home Language Survey, you may request a correction, in writing, only if: 1) your child has not yet been assessed for English proficiency; and 2) your written correction request is made within two calendar weeks of your child's enrollment date.

English Learner Transfer Request Documentation Form

The following documents are needed to conduct the LPAC meeting and to determine English learner's eligibility or continuation of services. The LPAC has within four weeks of initial enrollment to gather documentation, conduct LPAC meeting, place student, and receive parent permission. It is critical to receive information prior to the LPAC meeting to make the best decision possible. NOTE: Number of attempts is not limited to three times. All attempts must be made with previous districts to receive required documents.

Student Name:	Enrollment Date:
---------------	------------------

Transfer Request Document	Document attempts & gather information – Name of District staff, time, & date			
<input type="checkbox"/> Home Language Survey (HLS)	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> TEA-Approved Oral Language Proficiency Test (OLPT)	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> TEA-Approved Norm-Referenced Standardized Achievement Instrument	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> LPAC Initial Review	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> LPAC	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> Parent Permission	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> Denial Form	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> Reclassification Form	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional
<input type="checkbox"/> Monitoring Form	<input type="checkbox"/> 1 st	<input type="checkbox"/> 2 nd	<input type="checkbox"/> 3 rd	<input type="checkbox"/> Additional

- **Home Language Survey (HLS)**—original or copy of the student's first HLS from when they first enrolled into school.
- **TEA-Approved Oral Language Proficiency Test (OLPT)**—copy of the OLPT from when student started school. If student was in a bilingual program, request should be made for the English and Spanish test. Required for all grade levels.
- **TEA-Approved Norm-Referenced Standardized Achievement Instrument**—the test is required for an English learner who entered Texas at Grade 2 and above, in addition to the OLPT.
- **LPAC Initial Review**—the initial review form will contain information related to LPAC initial recommendations and eligibility as an English learner. It may also have information related to the OLPT.
- **LPAC**—Most recent LPAC documentation prior to transfer.
- **Parent Permission**—the parent permission form provides permission for services in the Bilingual or ESL program.
- **Denial Form**—the denial form denies services for the Bilingual or ESL program.
- **Reclassification Form**—the reclassification form provides the student's reclassification information. If English learner is participating in Bilingual or ESL program, they will not have reclassification information. Student will be monitored for after being reclassified.
- **Monitoring**—the monitoring form provides the student's monitoring status. PEIMS coding is as follows: F—1st year (previously—M1), S—2nd year (previously—M2), 3—3rd Year (federal requirement), and 4—4th Year (federal requirement).
- **Assessment**—Current TELPAS and state assessment information.

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
Placement



Placement



§89.1240. Parental Authority and Responsibility.

- (a) The parent or legal guardian shall be notified in English and the parent or legal guardian's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or English as a second language (ESL) program. They shall be provided information describing the bilingual education or ESL program recommended, its benefits to the student, and its being an integral part of the school program to ensure that the parent or legal guardian understands the purposes and content of the program. The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or legal guardian in order to have the student included in the bilingual education allotment. The parent's or legal guardian's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020), the student graduates from high school, or a change occurs in program placement.



§ 89.1203. Definitions.

- (1) Bilingual education allotment--An adjusted basic funding allotment provided for each school district based on student average daily attendance in a bilingual education or special language program in accordance with Texas Education Code (TEC), §42.153.



§89. 1220. Language Proficiency Assessment Committee.

- (h) The language proficiency assessment committee shall give written notice to the student's parent or guardian, advising that the student has been classified as an English learner and requesting approval to place the student in the required bilingual education or ESL program not later than the 10th calendar day after the date of the student's classification in accordance with TEC, §29.056. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and that it is an integral part of the school program.
- (m) A school district may identify, exit, or place a student in a program without written approval of the student's parent or guardian if:
- (1) the student is 18 years of age or has had the disabilities of minority removed;
 - (2) the parent or legal guardian provides approval through a phone conversation or e-mail that is documented in writing and retained; or
 - (3) an adult who the school district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.
- (j) Pending parent approval of an English learner's entry into the bilingual education or ESL program recommended by the language proficiency assessment committee, the school district shall place the student in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education allotment.



§89.1205. Required Bilingual Education and English as a Second Language Programs.

- (a) Each school district that has an enrollment of 20 or more English learners in any language classification in the same grade level district-wide shall offer a bilingual education program as described in subsection (b) of this section for the English learners in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through Grade 5; sixth grade shall be included when clustered with elementary grades.
- (c) All English learners for whom a school district is not required to offer a bilingual education program shall be provided an English as a second language (ESL) program as described in subsection (d) of this section, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option described in subsection (g) of this section.
- (f) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program even if they have an enrollment of fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.
- (g) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.



§89.1233. Participation of English Proficient Students.

- (b) School districts may enroll students who are not English learners in the bilingual education program or the English as a second language program in accordance with TEC, §29.058.
-

**____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
Bilingual Program, TEC §29.056**

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the bilingual education program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the bilingual education program will benefit your child’s academic and language development. The bilingual program provides instruction in literacy and academic content through the medium of the students’ primary language along with instruction in English that targets second language development through academic content. The goal of bilingual education programs is to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. The bilingual program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from a bilingual education program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

I **do** want my son/daughter to participate in the bilingual education program.

I **do not** want my son/daughter to participate in the bilingual education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

(name) _____ at our office at (telephone) _____.

¹ Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

_____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
English as a Second Language (ESL), TEC §29.056

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the ESL program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the English as a second language (ESL) program will benefit your child’s academic and language development. The ESL program enables English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods and linguistically and culturally responsive teaching. The ESL program emphasizes the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school. The ESL program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

- I **do** want my son/daughter to participate in the ESL program.
- I **do not** want my son/daughter to participate in the ESL program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

(name) _____ at our office at (telephone) _____.

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

Bilingual Education Program Benefits **_____ Independent School District/Charter School**

Student Name: _____

Dear Parent or Guardian:

There are benefits that will be gained by your son/daughter when he/she participates in a bilingual education program. Because your child hears Spanish at home and/or speaks Spanish with other children, he/she would benefit from bilingual instruction. The bilingual education program provides your child with Spanish instruction by a teacher who also speaks Spanish to make sure that he/she understands what the teacher is saying; therefore, the student achieves his/her own potential.

English is clearly an important language for success. Your child will receive daily instruction in Spanish, and as he/she is able to understand and speak English more, the teacher's instruction will be in English. The concepts and skills learned in Spanish will transfer to English. Knowledge that your child acquires through learning to read and completing assignments in mathematics, science and other subject areas in Spanish transfers to English as he/she learns to understand and speak English. If a student is also enrolled in a special education program, the teachers collaborate so that instruction is provided according to the student's Individualized Education Program (IEP). The Language Proficiency Assessment Committee (LPAC) in conjunction with the Admission, Review and Dismissal (ARD) Committee will determine appropriate instruction.

However, if you **do not** want your child to participate in the bilingual education program, please contact me or your child's teacher to discuss other options for your child to develop English language proficiency.

Thank you,

_____, School Principal

I **do not** want my son/daughter to participate in the bilingual education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Parent/ Guardian Signature

Date

For school use:

Date received by campus

English as a Second Language (ESL) Education Program Benefits _____ Independent School District/Charter School

Student Name: _____

Dear Parent or Guardian:

There are benefits that will be gained by your son/daughter when he/she participates in English as a Second Language (ESL) education program. Because your son/daughter hears a language other than English at home and/or speaks a language other than English with peers, he/she would benefit from intensive English instruction. A teacher in the ESL education program is trained on how to teach the English language using special materials, teaching materials, and is sensitive to the individual needs of a student who is learning English. The teacher in an ESL program collaborates with other teachers who may also have your son/daughter in class. This is necessary so that your son/daughter will meet all of the required state standards expected of all students. If a student is also enrolled in a special education program, the teachers collaborate so that instruction is provided according to the student's Individualized Education Program (IEP). The Language Proficiency Assessment Committee (LPAC) in conjunction with the Admission, Review and Dismissal (ARD) Committee will determine appropriate instruction.

However, if you **do not** want your son/daughter to participate in the ESL education program, please contact me or your son/daughter's teacher to discuss other options for the development of English language proficiency.

Thank you,

_____,
School Principal

I **do not** want my son/daughter to participate in the ESL education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Parent Signature

Relationship to Student

Date

For school use:

Date received by campus

_____ **INDEPENDENT SCHOOL DISTRICT/CHARTER SCHOOL**

HOME LANGUAGE SURVEY-19 TAC Chapter 89, Subchapter BB, §89.1215

(Home Language Survey applicable ONLY if administered for students enrolling in pre-kindergarten through grade 12)

TO BE COMPLETED BY PARENT OR GUARDIAN FOR STUDENTS ENROLLING IN PREKINDERGARTEN THROUGH GRADE 8 (OR BY STUDENT IN GRADES 9-12): The state of Texas requires that the following information be completed for each student who enrolls in a Texas public school for the first time. It is the responsibility of the parent or guardian, not the school, to provide the language information requested by the questions below.

Dear Parent or Guardian:

To determine if your child would benefit from Bilingual and/or English as a Second Language program services, please answer the two questions below.

If either of your responses indicates the use of a language other than English, then the school district must conduct an assessment to determine how well your child communicates in English. This assessment information will be used to determine if Bilingual and/or English as a Second Language program services are appropriate and to inform instructional and program placement recommendations. If you have questions about the purpose and use of the Home Language Survey, or you would like assistance in completing the form, please contact your school/district personnel.

For more information on the process that must be followed, please visit the following website:

https://projects.esc20.net/upload/page/0084/docs/EL%20Identification_ReclassificationFlowchart%202018.pdf

This survey shall be kept in each student's permanent record folder.

NAME OF STUDENT: _____

STUDENT ID#: _____

ADDRESS: _____

TELEPHONE #: _____

CAMPUS: _____

NOTE: PLEASE INDICATE ONLY ONE LANGUAGE PER RESPONSE.

1. What language is spoken in the child's home **most of the time**? _____

2. What language does the child speak **most of the time**? _____

Signature of Parent/Guardian

Date

Signature of Student if Grades 9-12

Date

NOTE: If you believe you made an error when completing this Home Language Survey, you may request a correction, in writing, only if: 1) your child has not yet been assessed for English proficiency; and 2) your written correction request is made within two calendar weeks of your child's enrollment date.

LPAC Review

_____ Independent School District/Charter School

<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	<input type="checkbox"/> Assessment determination	<input type="checkbox"/> Other: _____
----------------------------------	---------------------------------	---------------------------------------------------	---------------------------------------

Student name: _____	Enrollment date: _____
Grade: _____	LPAC date: _____
Academic year: _____	Home Language Survey date: _____ Date received by district/charter school: _____

Identification	
TEA-Approved Test: Oral: _____ Written: _____	Primary language score: _____
TEA-Approved Norm-Referenced Instrument: Reading percentile: _____	Language Arts percentile: _____

Academic Progress										
State Assessment					TELPAS					
Assessment	Type	Date	Circle One		Score	Listening	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Reading			Pass	Fail		Speaking	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Writing			Pass	Fail		Reading	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
ELA			Pass	Fail		Writing	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Science			Pass	Fail		Composite Score	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Social Studies			Pass	Fail		Oral Language Proficiency Level (end-of-year): _____ Instructional Linguistic Accommodations: _____ Assessment Designated Supports: _____ Other (specify): _____ Notes: _____				
Math			Pass	Fail						
Other Assessments										
Reading Instrument Name: _____ Score: _____ TEA-Approved Norm-Referenced Instrument: Date: _____ Reading Percentile: _____ Language Arts Percentile: _____										

Level of Academic Achievement	
Subject	End-of-Year Grade
English/Language Arts	
Math	
Science	
Social Studies	
Other content areas	

LPAC Signatures
Bilingual or ESL Educator: _____ Campus Administrator: _____ Parent Representative: _____ ARD Committee Representative (if needed): _____ Other (specify title): _____

LPAC Recommendations
<input type="checkbox"/> English Learner Parent permission date: _____ Parent denial date: _____
<input type="checkbox"/> English Proficient
<input type="checkbox"/> Enter/Continue Bilingual Program <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Enter/Continue ESL Program <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> State Assessment Determination (see attached documentation)
<input type="checkbox"/> Served in Special Program(s) (specify): _____ <input type="checkbox"/> 1 st Year–F <input type="checkbox"/> 2 nd Year–S <input type="checkbox"/> 3 rd Year–3 <input type="checkbox"/> 4 th Year–4 <input type="checkbox"/> Re-enter program as a result of monitoring <input type="checkbox"/> Reclassification Bilingual or ESL program (met criteria) <input type="checkbox"/> Other: _____

LPAC Meeting Roster Form

Date: _____
Independent School District/Charter School: _____
Campus: _____
LPAC Members Present:
7. _____, <i>Bilingual or ESL Educator</i>
8. _____, <i>Professional Transitional Language Educator/ESL Teacher</i>
9. _____, <i>Campus Administrator</i>
10. _____, <i>Parent Representative</i>
11. _____, <i>ARD Committee Representative (if needed)*</i>
12. _____, <i>Other (Specify Title):</i>

Student Names	ID Number	Years in U.S. Schools	Grade	Primary Language	Oral Language Proficiency Test Score (OLPT)	Norm Referenced Standardized Achievement Test Score(s)	Program Placement	TELPAS Composite Score	State Assessment

The student’s record or other record that transfers with the student shall contain documentation of all actions impacting the English learner. *LPAC must work in conjunction with the ARD Committee.

**____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
Bilingual Program, TEC §29.056**

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the bilingual education program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the bilingual education program will benefit your child’s academic and language development. The bilingual program provides instruction in literacy and academic content through the medium of the students’ primary language along with instruction in English that targets second language development through academic content. The goal of bilingual education programs is to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. The bilingual program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from a bilingual education program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

I **do** want my son/daughter to participate in the bilingual education program.

I **do not** want my son/daughter to participate in the bilingual education program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

(name) _____ at our office at (telephone) _____.

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

_____ Independent School District/Charter School
Parent Approval – Initial Identification and Placement
English as a Second Language (ESL), TEC §29.056

Campus Name: _____	Date: _____
To the Parents/Guardians of _____	Grade: _____

Dear Parent(s) or Guardian(s): Federal and Texas laws require language instruction programs for students who are identified as English learners¹. When your child enrolled in our school, a language other than English was noted on your child’s Home Language Survey. The law requires us to assess your child and notify you of your child’s proficiency level in English. The language proficiency assessment results are as follows:

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Approved Norm-Referenced Standardized Achievement Instrument (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small><i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i></small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Based on the language proficiency assessment results, your child has been identified as an English learner. Therefore, we recommend that your son/daughter be placed in the ESL program required in the district (19 TAC Subchapter, BB §89.1205).

Participating in the English as a second language (ESL) program will benefit your child’s academic and language development. The ESL program enables English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods and linguistically and culturally responsive teaching. The ESL program emphasizes the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school. The ESL program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student’s Individualized Education Program (IEP).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

Please check the appropriate box, sign, and return to your son/daughter's teacher.

- I **do** want my son/daughter to participate in the ESL program.
- I **do not** want my son/daughter to participate in the ESL program. I would like to discuss other options that will address my son/daughter's language/academic needs.

Signature of parent/guardian

Date

If you have any questions regarding this placement decision, please contact:

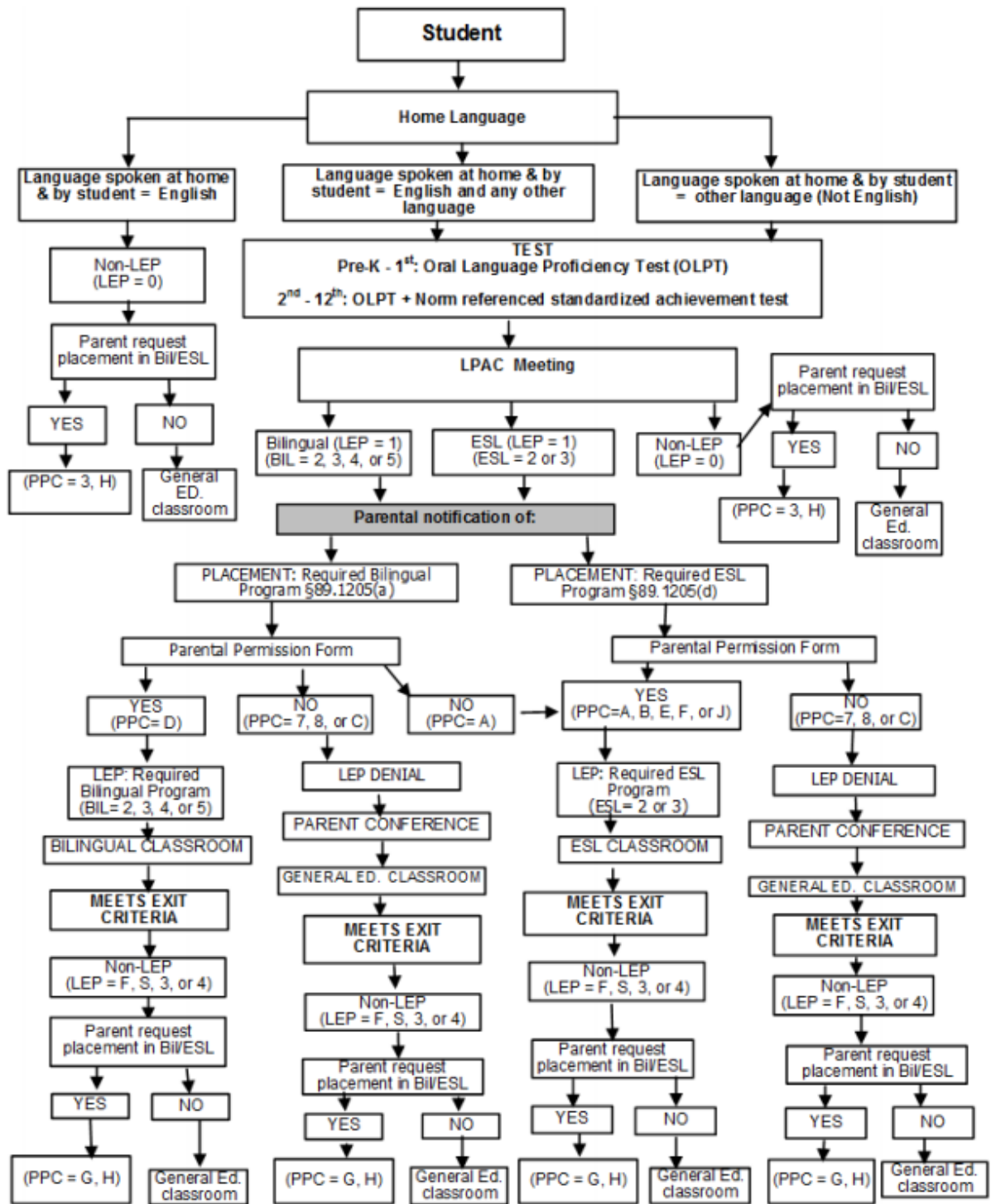
(name) _____ at our office at (telephone) _____.

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

For school use:

Date received by campus

Limited English Proficient Decision Chart



BIL = Bilingual Program Code ESL = English as a Second Language Code LEP = Limited English Proficient Code PPC = Parental Permission Code

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
English Learner
Services



English Learner Services



§89.1201. Policy.

- (d) Bilingual education and ESL programs shall be integral parts of the total school program. Such programs shall use instructional approaches designed to meet the specific language needs of English learners. The basic curriculum content of the programs shall be based on the Texas Essential Knowledge and Skills and the English language proficiency standards required by the state.



§89.1203. Definitions.

- (6) English language proficiency standards (ELPS)--Standards to be published along with the Texas Essential Knowledge and Skills for each subject in the required curriculum outlined in Chapter 74 of this title (relating to Curriculum Requirements), including foundation and enrichment areas, ELPS, and college and career readiness standards.



§89.1210. Program Content and Design.

- (a) Each school district required to offer a bilingual education or English as a second language (ESL) program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). The school district shall accommodate the instruction, pacing, and materials to ensure that English learners have a full opportunity to master the essential knowledge and skills of the required curriculum, which includes the Texas Essential Knowledge and Skills and English language proficiency standards (ELPS). Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English for each content area.
 - (1) A bilingual education program of instruction established by a school district shall be a full-time program of dual-language instruction (English and primary language) that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills under Texas Education Code (TEC), §29.055(a).



§89.1203. Definitions.

- (4) Dual-language instruction--An educational approach that focuses on the use of English and the student's primary language for instructional purposes.



§89.1201. Policy.

- (b) The goal of bilingual education programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. Such programs shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.



§89.1210. Program Content and Design.

- (c) The bilingual education program shall be implemented through at least one of the following program models.
- (1) Transitional bilingual/early exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than two or later than five years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(1), for the assigned grade level and content area. The goal of early-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.
 - (2) Transitional bilingual/late exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(2), for the assigned grade level and content area. The goal of late-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.
 - (3) Dual language immersion/one-way is a bilingual/biliteracy program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061. The goal of one-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in the students' primary language as well as English, with at least half of the instruction delivered in the students' primary language for the duration of the program.



§89.1203. Definitions.

- (3) Dual language immersion--A state-approved bilingual program model in accordance with TEC, §29.066.



§89.1210. Program Content and Design.

- (4) Dual language immersion/two-way is a bilingual/biliteracy program model in which students identified as English learners are integrated with students proficient in English and are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061, for the assigned grade level and content area. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061, for the assigned grade level and content area. The goal of two-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in English and another language with at least half of the instruction delivered in the non-English program language for the duration of the program.



§89.1210. Program Content and Design.

- (a) Each school district required to offer a bilingual education or English as a second language (ESL) program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). The school district shall accommodate the instruction, pacing, and materials to ensure that English learners have a full opportunity to master the essential knowledge and skills of the required curriculum, which includes the Texas Essential Knowledge and Skills and English language proficiency standards (ELPS). Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English for each content area.
 - (2) An ESL program of instruction established by a school district shall be a program of intensive instruction in English in which ESL teachers recognize and address language differences in accordance with TEC, §29.055(a).



§89.1201. Policy.

- (c) The goal of ESL programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods. The ESL program shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.



§89.1210. Program Content and Design.

- (d) The ESL program shall be implemented through one of the following program models.

- (1) An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under TEC, §29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.
- (2) An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under the TEC, §29.061(c), through English language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.



§89.1245. Staffing and Staff Development.

- (a) School districts shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and English as a second language (ESL) programs in accordance with the Texas Education Code (TEC), §29.061, concerning bilingual education and special language program teachers. School districts that are unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs shall request activation of the appropriate permits in accordance with Chapter 230 of this title (relating to Professional Educator Preparation and Certification).
- (b) School districts that are unable to employ a sufficient number of teachers, including part-time teachers, who meet the requirements of subsection (a) of this section for the bilingual education and ESL programs shall apply on or before November 1 for an exception to the bilingual education program as provided in §89.1207(a) of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers) or a waiver of the certification requirements in the ESL program as provided in §89.1207(b) of this title as needed.



§89.1207. Bilingual Education Exceptions and English as a Second Language Waivers.

- (a) Bilingual education program.
 - (1) Exceptions. A school district that is unable to provide a bilingual education program as required by §89.1205(a) of this title (relating to Required Bilingual Education and English as a Second Language Programs) because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual education program and the approval of an alternative program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall include:
 - (A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the bilingual education program with supporting documentation;

- (B) a description of the alternative instructional program and methods to meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, English language proficiency standards (ELPS), and college and career readiness standards (CCRS);
 - (C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels to ensure that the linguistic and academic needs of the English learners with beginning levels of English proficiency are served on a priority basis;
 - (D) an assurance that the school district will implement a comprehensive professional development plan that:
 - (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
 - (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
 - (iii) may include additional teachers who work with English learners;
 - (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;
 - (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(a) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent exceptions and measurable targets for the subsequent year; and
 - (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title (relating to Evaluation).
- (b) English as a second language (ESL) program.
- (1) Waivers. A school district that is unable to provide an ESL program as required by §89.1205(c) of this title because of an insufficient number of appropriately certified teachers shall request from the commissioner a waiver of the certification requirements for each teacher who will provide instruction in ESL for English learners. The approval of a waiver of certification requirements shall be valid only during the school year for which it was granted. A request for an ESL program waiver must be submitted by November 1 and shall include:
 - (A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the ESL program;
 - (B) a description of the alternative instructional program, including the manner in which the teachers in the ESL program will meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title to include foundation and enrichment areas, ELPS, and CCRS;

- (C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels in the elementary school campus and, if needed, secondary campuses, to ensure that the linguistic and academic needs of the English learners with the lower levels of English proficiency are served on a priority basis;
- (D) an assurance that the school district shall implement a comprehensive professional development plan that:
 - (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
 - (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
 - (iii) may include additional teachers who work with English learners;
- (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;
- (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(c) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent waivers; and
- (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title.



§89.1245. Staffing and Staff Development.

- (e) The commissioner of education shall encourage school districts to cooperate with colleges and universities to provide training for teachers assigned to the bilingual education and/or ESL programs.
- (f) The Texas Education Agency shall develop, in collaboration with education service centers, resources for implementing bilingual education and ESL training programs. The materials shall provide a framework for:
 - (1) developmentally appropriate bilingual education programs for early childhood through the elementary grades;
 - (2) affectively, linguistically, and cognitively appropriate instruction in bilingual education and ESL programs in accordance with §89.1210(b)(1)-(3) of this title (relating to Program Content and Design); and
 - (3) developmentally appropriate programs for English learners identified as gifted and talented and English learners with disabilities.



§89.1250. Required Summer School Programs.

Summer school programs that are provided under the Texas Education Code (TEC), §29.060, for English 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 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 learners in accordance with §89.1210(b) of this title (relating to Program Content and Design).
- (2) Establishment of, and eligibility for, the program.
 - (A) Each school 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 learner; and
 - (ii) a parent or guardian must have approved placement of the English 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(b)-(f) of this title (relating to Testing and Classification of Students) or §89.1226(b)-(f) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).
- (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 school district is not required to provide transportation for the summer program.
 - (E) Teachers shall possess certification 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.
 - (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 fewer than 10 students district-wide desiring to participate is not required to operate the program. However, those school districts must document that they have encouraged students' participation in multiple ways.
 - (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.
-

**Bilingual Summer School Program K-1
Initial Parent Survey**
_____ Independent School District/Charter School

Summer: _____
Campus: _____
If your child is entering kindergarten or first grade in the fall of _____, your child may be eligible to attend the <i>Bilingual Summer School Program K-1</i> . Please complete the following information so that we can send you information about the summer program.
Student name:
Date of birth:
Parent/guardian:
Address:
Telephone:

Please return this form to the principal at your home school or call the Bilingual Department at _____.

**English as a Second Language (ESL)
Summer School Program K-1
Initial Parent Survey**
_____ Independent School District/Charter School

Summer: _____
Campus: _____
If your child is entering kindergarten or first grade in the fall of _____, your child may be eligible to attend the <i>ESL K-1 Summer School Program</i> .
Please complete the following information so that we can send you information about the summer program.
Student name:
Date of birth:
Parent/guardian:
Address:
Telephone:

Bilingual Summer School Program K-1 **_____ Independent School District/Charter School**

Date:

Dear Parent/Guardian:

The district (campus) will be offering a summer program for English learners who will be enrolled in kindergarten or first grade in the fall. This program will help your child to continue in his/her development of social skills, literacy, and his/her use of language needed for success in school.

The program will take place from _____ to _____. Classes will be from _____ to _____. Children attending the summer program will be offered: _____ (*mention services such as food, transportation, etc.*).

Please fill out the following information needed to place your child on the list of children planning to attend.

Name of child:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in the district during the regular school year, please bring the following documents on the first day of the summer program: (*list documents needed for enrollment*) _____.

If you have any questions, please call _____ at _____.

**English as a Second Language (ESL)
Summer School Program K-1
_____ Independent School District/Charter School**

Dear Parent/Guardian:

The district (campus) will be offering a summer program for English learners who will be enrolled in kindergarten or first grade in the fall. This program will help your child to continue in his/her development of social skills, literacy, and his/her use of language needed for success in school.

The program will take place from (dates) _____ to _____. Classes will be from (time) _____ to _____. Children attending the summer program will be offered (*mention services such as food, transportation, etc.*)

Please fill out the following information needed to place your child on the list of children planning to attend:

Name of child:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in the district during the regular school year, please bring the following documents on the first day of the summer program: (*list documents needed for enrollment*) _____.

Bilingual Summer School Program K-1 _____ Independent School District/Charter School

Date:

_____ Elementary will be offering a summer program for English learners who will be eligible for admission to kindergarten or first grade in the beginning of next school year. This program will help your child to continue in his/her development of English language proficiency, literacy and academic skills needed for success in school.

The summer school program will be held from _____ to _____. Classes will be from _____ to _____.

Students who attend the summer school program will receive:

- _____
- _____
- _____

Please complete the following information to place your child's name on the list of student's planning to attend the summer school program.

Student name:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in school this school year, please bring the following documents on the first day of summer school:

- _____
- _____
- _____

If you have any questions, please call _____ at _____.

English as a Second Language (ESL) Summer School Program K-1 _____ Independent School District/Charter School

Date:

_____ Elementary will be offering a summer program for English learners who will be eligible for admission to kindergarten or first grade in the beginning of next school year. This program will help your child to continue in his/her development of English language proficiency, literacy and academic skills needed for success in school.

The summer school program will be held from _____ to _____. Classes will be from _____ to _____.

Students who attend the summer school program will receive:

- _____
- _____
- _____

Please complete the following information to place your child's name on the list of student's planning to attend the summer school program.

Student name:	Date of birth:
Parent/guardian's name:	
Address:	
Telephone:	

Please send this information to _____. If your child was not enrolled in school this school year, please bring the following documents on the first day of summer school.

- _____
- _____
- _____

If you have any questions, please contact _____ at _____.

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
Review and
Reclassification



Review and Reclassification



§89.1220. Language Proficiency Assessment Committee.

- (i) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each English learner as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments).



§89.1225. Testing and Classification of Students.

- (i) For exit from a bilingual education or ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equally in a general education, all-English instructional program. This determination shall be based upon all of the following:
 - (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
 - (2) (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and
 - (3) English proficiency on a TEA-approved criterion-referenced written test and the results of a subjective teacher evaluation using the state's standardized rubric.
- (j) A student may not be exited from the bilingual education or ESL program in prekindergarten or kindergarten. A school district must ensure that English learners are prepared to meet academic standards required by the TEC, §28.0211.
- (l) For English learners who are also eligible for special education services, the standardized process for English learner program exit is followed in accordance with applicable provisions of subsection (i) of this section. However, annual meetings to review student progress and make recommendations for program exit must be made in all instances by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1230(b) of this title (relating to Eligible Students with Disabilities). Additionally, the language proficiency committee in conjunction with the ARD committee shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with §89.1230(a) of this title.
- (m) For an English learner with significant cognitive disabilities, the language proficiency assessment committee in conjunction with the ARD committee may determine that the state's English language proficiency assessment for exit is not appropriate because of the nature of the student's disabling condition. In these cases, the language proficiency assessment committee in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and shall determine an appropriate performance standard requirement for exit by language domain under subsection (i)(1) of this section.



§ 89.1203. Definitions.

- (8) Exit--The point when a student is no longer classified as LEP (i.e., the student is reclassified), no longer requires bilingual or special language program services, and is classified as non-LEP in the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The term "exit" as used in this subchapter is synonymous with the description in TEC, Chapter 29, of "transferring out" of bilingual or special language programming.
- (9) Reclassification--The process by which the language proficiency assessment committee determines that an English learner has met the appropriate criteria to be classified as non-LEP and is coded as such in TSDS PEIMS.



§89.1240. Parental Authority and Responsibility.

- (b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.
-

LPAC Review

_____ Independent School District/Charter School

<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	<input type="checkbox"/> Assessment determination	<input type="checkbox"/> Other: _____
----------------------------------	---------------------------------	---------------------------------------------------	---------------------------------------

Student name: _____	Enrollment date: _____
Grade: _____	LPAC date: _____
Academic year: _____	Home Language Survey date: _____ Date received by district/charter school: _____

Identification	
TEA-Approved Test: Oral: _____ Written: _____	Primary language score: _____
TEA-Approved Norm-Referenced Instrument: Reading percentile: _____	Language Arts percentile: _____

Academic Progress										
State Assessment					TELPAS					
Assessment	Type	Date	Circle One		Score	Listening	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Reading			Pass	Fail		Speaking	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Writing			Pass	Fail		Reading	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
ELA			Pass	Fail		Writing	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Science			Pass	Fail		Composite Score	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Social Studies			Pass	Fail		Oral Language Proficiency Level (end-of-year): _____ Instructional Linguistic Accommodations: _____ Assessment Designated Supports: _____ Other (specify): _____ Notes: _____				
Math			Pass	Fail						
Other Assessments										
Reading Instrument Name: _____ Score: _____ TEA-Approved Norm-Referenced Instrument: Date: _____ Reading Percentile: _____ Language Arts Percentile: _____										

Level of Academic Achievement	
Subject	End-of-Year Grade
English/Language Arts	
Math	
Science	
Social Studies	
Other content areas	

LPAC Signatures
Bilingual or ESL Educator: _____ Campus Administrator: _____ Parent Representative: _____ ARD Committee Representative (if needed): _____ Other (specify title): _____

LPAC Recommendations
<input type="checkbox"/> English Learner Parent permission date: _____ Parent denial date: _____
<input type="checkbox"/> English Proficient
<input type="checkbox"/> Enter/Continue Bilingual Program <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Enter/Continue ESL Program <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> State Assessment Determination (see attached documentation)
<input type="checkbox"/> Served in Special Program(s) (specify): _____ <input type="checkbox"/> 1 st Year-F <input type="checkbox"/> 2 nd Year-S <input type="checkbox"/> 3 rd Year-3 <input type="checkbox"/> 4 th Year-4 <input type="checkbox"/> Re-enter program as a result of monitoring <input type="checkbox"/> Reclassification Bilingual or ESL program (met criteria) <input type="checkbox"/> Other: _____

English Learner Progress Monitoring Form _____ Independent School District/Charter School

Student name: _____				Academic Year: _____						
Grade: _____			6 / 9 weeks		Status: <input type="checkbox"/> English Learner <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> English Proficient					
1st Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
2nd Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
3rd Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
4th Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
5th Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
6th Date _____ List instructional accommodations provided: _____				List instructional accommodations that will be provided: _____						
Academic Progress										
Content Areas Progress and/or Benchmark										
Reading										
Writing										
ELA										
Science										
Social Studies										
Mathematics										
RTI: <input type="checkbox"/> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 Comments: _____										
State Assessment					TELPAS					
Assessment	Type	Date	Circle One		Score	Listening	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Reading			Pass	Fail		Speaking	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Writing			Pass	Fail		Reading	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
ELA			Pass	Fail		Writing	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Science			Pass	Fail		Composite Score	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Social Studies			Pass	Fail		Oral Language Proficiency Level (end-of-year): _____				
Mathematics			Pass	Fail						
Other Assessments					Assessment Designated Supports: _____					
Reading Instrument Name: _____ Score: _____					Other (specify): _____					
TEA-Approved Norm-Referenced Instrument: _____					Notes: _____					
Reading Percentile: _____										
Language Arts Percentile: _____										
LPAC Signatures										
Bilingual or ESL Educator: _____				Parent Representative: _____						
Campus Administrator: _____				ARD Committee Representative (if needed): _____						
Other (specify title): _____										

Parent Notification on Student Progress _____ Independent School District/Charter School Bilingual Program

Date: _____

Campus: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter in the bilingual program. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<i>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</i>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
<i>Please check (✓) level attained or attach Confidential Student Report.</i>										
	B- Beginning		I - Intermediate		A - Advanced		AH – Advanced High			
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment				
Assessment	Type	Date	Performance Category	Score
Reading		_____		_____
Writing		_____		_____
ELA		_____		_____
Science		_____		_____
Social Studies		_____		_____
Math		_____		_____

Other
Credits earned towards graduation (9-12): _____
Other (specify): _____

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student's language acquisition/academic progress (compare to data on previous page): _____

Your child has been participating in a bilingual education program. The bilingual program provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content. The goal of bilingual education programs is to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. The bilingual program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student's Individualized Education Program (IEP).

For exit from a bilingual education program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument;
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, it has been recommended that your son/daughter:

- Continue in the bilingual program
- Re-enter into the bilingual program
- Exit the bilingual program—reclassification criteria met; monitor for two (2) additional school years to ensure success in school
- Continue monitoring for one additional school year—reclassified student
- Has met the reclassification criteria and will be monitored for (2) additional years
- Receive intensive instructional support [TEC 29.0561(c)]
- Exit the bilingual program **pending** STAAR results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the bilingual program.
- Exit the bilingual program **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the bilingual program.

If you have any questions regarding this placement decision or continuation in the program, please contact: (name) _____ at our office at (telephone) _____.

Parent Notification on Student Progress

_____ Independent School District/Charter School

English as a Second Language (ESL) Program

Date: _____

Campus Name: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter in the ESL program. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
<i>Please check (✓) level attained or attach Confidential Student Report.</i>										
B - Beginning I - Intermediate A - Advanced AH – Advanced High										
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment					Other
Assessment	Type	Date	Performance Category	Score	
Reading		_____		_____	
Writing		_____		_____	
ELA		_____		_____	
Science		_____		_____	
Social Studies		_____		_____	
Math		_____		_____	
					Credits earned towards graduation (9-12): _____
					Other (specify): _____

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student's language acquisition/academic progress (compare to data on previous page): _____

Your child has been participating in an English as a second language (ESL) program. The ESL program enables English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods and linguistically and culturally responsive teaching. The ESL program emphasizes the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school. The ESL program curriculum is based on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). In the case of a child with a disability, close collaboration will be maintained with the Language Proficiency Assessment Committee and the special education program by following the student's Individualized Education Program (IEP).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument;
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, it has been recommended that your son/daughter:

- Continue in the ESL Program
- Re-enter into the ESL Program
- Exit the ESL Program—reclassification criteria have been met; monitor for two (2) additional school years to ensure success in school
- Continue to be monitored for one additional school year—exited student
- Has met the reclassification criteria and will be monitored for (2) additional years
- Receive intensive instructional support [TEC 29.0561(c)]
- Exit the ESL program **pending** STAAR results. If reclassification criteria is met, the student will exit and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the ESL program.
- Exit the ESL program **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue in the ESL program.

If you have any questions regarding this placement decision or continuation in the program, please contact: (name) _____ at our office at (telephone) _____.

Parent Notification on Student Progress _____ Independent School District/Charter School **Parent Denial**

Date: _____

Campus: _____

To the Parents/Guardians of: _____

State and federal law requires that we notify all parents of students identified as an English learner¹ of the progress of their son/daughter. We have reviewed the following language and academic data to determine the best placement for your son/daughter. Results are listed below, as applicable.

English TEA-Approved Oral Language Proficiency Test (OLPT), PK-12**			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
Spanish TEA-Approved Oral Language Proficiency Test (OLPT)*			
Name of test: _____	Date administered: _____	Results: _____	Proficiency: _____
TEA-Approved Norm-Referenced Standardized Achievement Instrument: (Grades 2-12)**			
Name of test: _____	Date administered: _____	Results in Reading and Language Arts: _____	
<small>*Required for placement in the bilingual program **Required for placement in the bilingual and ESL programs Tests taken for placement and reclassification/exit are from the state approved list of tests found on the TEA Bilingual and English as a Second Language Education Programs page: https://tea.texas.gov/bilingual/esl/education/.</small>			
Other language/academic test(s) reviewed (optional)			
Name of test: _____	Date: _____	Results Reading: _____	
Name of test: _____	Date: _____	Results Writing: _____	

Texas English Language Proficiency Assessment System (TELPAS)										
<i>Please check (✓) level attained or attach Confidential Student Report.</i>										
	B- Beginning		I- Intermediate		A - Advanced		AH – Advanced High			
Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH		Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

State Assessment				
Assessment	Type	Date	Performance Category	Score
Reading		_____		_____
Writing		_____		_____
ELA		_____		_____
Science		_____		_____
Social Studies		_____		_____
Math		_____		_____

Other
Credits earned towards graduation (9-12): _____
Other (specify): _____

¹Based on the results of the Home Language Survey with responses indicating the use of a language other than English, the school district conducts an assessment to determine how well your child communicates in English. This assessment information is used to determine if a child is to be identified as an English learner. Placement of an identified English learner in a bilingual or ESL program as recommended by the Language Proficiency Assessment Committee (LPAC) requires parental approval.

Additional comments on student’s language acquisition/academic progress (compare to data on previous page): _____

Currently, your child is not participating in a bilingual education or English as second language (ESL) program due to a parent denial of services. However, the parent or guardian of an identified English learner may choose to approve the placement of their child in a language program as recommended by the Language Proficiency Assessment Committee (LPAC).

For exit from an ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equitably in non-linguistically accommodated English instruction in all content areas. This determination shall be based upon all of the following:

- (1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- (2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument;
- (3) English proficiency on a TEA-approved criterion-referenced written test; and
- (4) the results of a subjective teacher evaluation using the state's standardized rubric.

As a result, the LPAC has recommended the following for your son/daughter:

- Program denied by parent/guardian—continue monitoring academic progress of student
- Program denied by parent/guardian—reclassification criteria met; monitor for two (2) additional years to ensure the success in school
- Program denied by parent/guardian—continue monitoring for one additional school year
- Program denied by parent/guardian—reclassification criteria met and monitoring for (2) additional years completed
- Provide intensive instructional support [TEC 29.0561(c)]
- Reclassification criteria met **pending** STAAR results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue being monitored for academic process.
- Reclassification criteria met **pending** TELPAS results. If reclassification criteria is met, the student will be reclassified and be monitored for 2 additional school years. If reclassification criteria is not met, the student will continue being monitored for academic process.

If you have any questions regarding this placement decision or continuation in the program, please contact: (name) _____ at our office at (telephone) _____.

Name: _____

EL INSTRUCTIONAL ACCOMMODATIONS CHECKLIST

Beginning of Year (BOY)

Date: ____/____/____

Middle of Year (MOY)

Date: ____/____/____

End of Year (EOY)

Date: ____/____/____

Campus:

Grade:

Academic Year:

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

- peer and native language support
- gestures for added emphasis
- simple conversations (words/phrases)
- visuals and/or verbal cues to reinforce spoken or written words
- pre-teach vocabulary
- short sentences and single words
- provide phrases or simple sentence frames
- rephrase, repeat, or slow down
- wait time
- extra time for complex material and/or assignments
- non-participation in simple conversations
- word bank of key vocabulary
- model pronunciation
- tiered sentence stems
- organize reading in chunks
- adapted text(s)
- clarification of word(s) or phrase(s)
- oral translation
- bilingual dictionary or glossary
- clarify directions
- translate word(s), phrase(s), or sentence(s)
- read and model think aloud
- drawing or pictorial representation
- writing on familiar, concrete topics
- scaffold writing assignments

Prior Year TELPAS:

L	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
S	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
R	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
W	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH



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Name: _____

EL INSTRUCTIONAL ACCOMMODATIONS CHECKLIST

	Teacher	LPAC Committee
BOY	Subjective Teacher Evaluation: 	Comments/Recommendations:
MOY	Subjective Teacher Evaluation: 	Comments/Recommendations:
EOY	Subjective Teacher Evaluation: Completed by: _____ Signature: _____ Date: _____	Comments/Recommendations: <div data-bbox="1514 966 1873 1209" style="border: 1px solid black; padding: 5px;">EOY Review:<ul style="list-style-type: none"><input type="checkbox"/> TELPAS<input type="checkbox"/> State Assessment Results<input type="checkbox"/> Oral Language Proficiency Test (OLPT)<input type="checkbox"/> Linguistic Accommodations<input type="checkbox"/> Academic Progress</div> Signatures: _____ _____ _____ Date: _____

Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs Under 19 TAC §89.1225(m)¹

2018-2019 School Year

Grades 1–12

Under Texas Administrative Code (TAC) §89.1225(i), districts are required to use the 2018-2019 English Learner Reclassification Criteria Chart found at <http://tea.texas.gov/bilingual/esl/education/to> to reclassify English learners (ELs) as English proficient. The reclassification criteria under TAC §89.1225(i) apply to the vast majority of English learners who also have identified special needs. In rare cases, an English learner with significant cognitive disabilities who is receiving special education services may qualify to be reclassified using criteria permitted under TAC §89.1225(m), which gives special consideration to an English learner for whom assessments and/or standards under TAC §89.1225(i) are not appropriate because of the nature of a student's particular disabling condition.

Students eligible to be considered using the reclassification criteria under TAC §89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by the language proficiency assessment committee (LPAC), in conjunction with the admission, review and dismissal (ARD) committee.

This document outlines the process to follow when considering whether an English learner qualifies to be reclassified using the criteria authorized by TAC §89.1225(m). This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify for reclassification using this criteria.

Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies Using This Process

At or near the beginning of the school year, a meeting is to be scheduled between key ARD and LPAC committee members to discuss whether the student is eligible to be reclassified using criteria under §TAC 89.1225(m).

- Through this process, a determination is made about the assessments and/or English I language proficiency assessment standards to be used for reclassification.
- This process applies ONLY when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(i) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled Guidance Related to ARD Committee and LPAC Collaboration found at <http://tea.texas.gov/index2.aspx?id=2147496923>.
- This process must be conducted by key ARD committee members (including a diagnostician when applicable) and key LPAC members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

¹ Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners

Step 2: Discuss Evidence of Need for Use of §89.1225(m) Reclassification Criteria

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(m) reclassification criteria are warranted.

- Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(m) reclassification criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

Step 3: Specify Assessments and English Language Proficiency Test Standards

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make reclassification criteria recommendations based on the information below.

Caution should be exercised when considering reclassification of students in Grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.

ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 1-2

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(m).

ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12

- **Selection of appropriate academic content assessments**
Students considered for exit criteria under TAC §89.1225(m) should be only those designated to take STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.
Reminder: State-established standards must be used for all state assessments.
- **Modification of performance standards on academic content assessments not permitted**
STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted.
State-established standards must be used for all state assessments.

ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN GRADES 1-12

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**
Any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student's disability

and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).

- **Selection of appropriate English language proficiency assessments**

Grade 1: Students in grade 1 will take the general TELPAS in the applicable language domains as determined by the ARD committee in conjunction with the LPAC.

- **Listening:** TELPAS listening or other OLPT from state-approved list
- **Speaking:** TELPAS speaking or other OLPT from state-approved list
- **Reading:** TELPAS reading or other English language reading proficiency test from state-approved list
- **Writing:** TELPAS writing or other English language writing proficiency test from state-approved list

Grades 2-12: Students that are designated to take STAAR Alternate 2 and/or meet the TELPAS Alternate participation requirements, as determined by the LPAC in conjunction with the ARD committee, will be assessed with TELPAS Alternate in all of the four language domains (listening, speaking, reading, and writing).

Step 4: Prepare Documentation

Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

Step 5: Discuss Recommended Reclassification Criteria in Formal LPAC in Conjunction with ARD Committee Meeting

Key members of the LPAC and the ARD committee present the documentation at a formal LPAC in conjunction with ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student's participation in the identified assessments.
- Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the modified reclassification criteria if the committee as a whole determines that reclassification is anticipated.

Step 6: Determine and Document Whether Student Has Met Modified Reclassification Criteria

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(i) to determine whether the student has met the modified reclassification criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional LPAC in conjunction with ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for reclassified students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the reclassification decision in the student's permanent record file.

2018–2019 English Learner Reclassification Criteria Chart

At the end of the school year, a district may reclassify an English Learner (EL) as English proficient for the first time or a subsequent time if the student is able to participate equally in a regular all-English instruction program as determined by satisfactory performance in all three assessment areas below and the results of a subjective teacher evaluation.¹

For State of Texas Assessments of Academic Readiness (STAAR) English reading and English writing, the performance level for program exit is the student meeting the passing standard.

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11 th /12 th
Current School Year Oral = Listening & Speaking	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²	Scored Fluent on English OLPT ²
English Reading³	Norm-Referenced Standardized Achievement Test ² (Rdg./Lang.) 40th percentile or above	Norm-Referenced Standardized Achievement Test ² (Rdg./Lang.) 40th percentile or above	STAAR ³	STAAR ³	STAAR ³	STAAR ³	STAAR ³	STAAR ³	STAAR ^{3/4}	STAAR ^{3/4}	Norm-Referenced Standardized Achievement Test ² (Rdg./Lang.) 40th percentile or above
English Writing³	Agency-Approved Writing Test ²	Agency-Approved Writing Test ²	Agency-Approved Writing Test ²	STAAR ³	Agency-Approved Writing Test ²	Agency-Approved Writing Test ²	STAAR ³	Agency-Approved Writing Test ²			Agency-Approved Writing Test ²
Subjective Teacher Evaluation	Form: English Learner Reclassification Rubric (Coming Soon)										

¹ 19 TAC §89.1225(i)(3)

² In the 2018–2019 *List of Approved Tests for Assessment of English Learners* available on the following web page: <http://tea.texas.gov/bilingual/esl/education/>

³ For STAAR, English reading and English writing refer to the grade-level tests in grades 3-8 and to the applicable end-of-course English 1 for grade 9, and English II for grade 10.

⁴ Exception: Texas English Language Proficiency Assessment System (TELPAS) Reading and Writing Advanced High will be used for all students with the Texas Assessment of Knowledge and Skills (TAKS) as their graduation requirement under state policy.

Note: ELs may be exited no earlier than at the end of first grade based on 19 TAC §89.1225(j).

Note: Students for whom the LPAC recommends the use of Oral Administration, Content and Language Supports, or Extra Time as an accommodation for any reading or writing assessment, may not be considered for exit at the end of the school year.



**English Learner Reclassification Rubric
Teacher Documentation**

Student Name: _____

Grade Level: _____

This document fulfills requirements in TEC 29.056(g)(3) for the subjective teacher evaluation component of the reclassification criteria, providing teacher documentation of the student's English language proficiency with academic language and informing the Language Proficiency Assessment Committee (LPAC) of the student's readiness for reclassification as a non-English learner with potential placement in a general education classroom setting.

Academic Language	
Description of Receptive Skills: Listening and Reading (Select one descriptor from the choices below)	Description of Expressive Skills: Speaking and Writing (Select one descriptor from the choices below)
<input type="checkbox"/> Grade appropriate with no second language acquisition support needed to be successful: Student routinely demonstrates listening and reading comprehension skills comparable to English proficient grade-level peers. Student is able to construct meaning when reading grade appropriate texts, and student rarely needs speakers to slow down, repeat, or rephrase during conversations and academic discussions. Student receives written and oral information with no need for second language acquisition support to be successful with grade appropriate content.	<input type="checkbox"/> Grade appropriate with no second language acquisition support needed to be successful: Student routinely expresses thoughts and ideas in speaking and in writing at a level comparable to English proficient grade-level peers. Student uses grade-appropriate content-based vocabulary and grammar effectively in oral and written communications. Student communicates orally with few pauses and minimal errors that block communication. Student produces oral and written material with no need for second language acquisition support to be successful with grade appropriate content.
<input type="checkbox"/> Grade appropriate with some second language acquisition support needed to be successful: Student demonstrates listening and reading comprehension skills that are nearing but not yet comparable to English proficient grade-level peers. Student at times relies on linguistically accommodated text features to construct meaning from abstract grade appropriate text. Student comprehends conversations and discussions but relies at times on pauses for processing time, requests for repetition, visual cues, and requests for clarification with less familiar topics.	<input type="checkbox"/> Grade appropriate with some second language acquisition support needed to be successful: Student expresses thoughts and ideas in speaking and writing that are nearing but not yet comparable to English proficient grade-level peers. Student uses grade appropriate content-based terms on familiar topics with some errors in complex grammar usage. Student expresses grade appropriate ideas in writing with emerging grade appropriate vocabulary, but at times relies on second language acquisition supports to express ideas effectively in oral and written English.
Comments:	

This student **routinely demonstrates the readiness for reclassification as English proficient** and the ability to successfully participate in grade-level content instruction that is delivered with no second language acquisitions supports. Yes No
Provide an explanation in the comments and attach additional supporting documentation, as needed.

Teacher Name: _____ Teacher Signature: _____ Date of Completion: _____

Date sent: _____

Parent Notification and Approval for Reclassification from Bilingual Program

_____ Independent School District/Charter School

Dear _____:

_____ has met the reclassification criteria stated in 19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners Section §89.1225. Please sign and return this letter to approve the placement of _____ in the general education classroom. The student will be monitored for two years based on Texas Education Code §29.063(c)(4).

Thank you,

District _____

I approve the reclassification and placement of _____ in the general education classroom.

Parent Signature

Date

*19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English learners, §89.1240 Parental Authority and Responsibility.

(b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

**Documentation that the district has attempted to notify parents must be present.

For school use:

Date received by campus

Student met exit criteria

- Testing results verified by _____ (Name)
- Documentation added to student's folder.

Date sent: _____

**Parent Notification and Approval for Reclassification
from ESL Program
_____ Independent School District/Charter School**

Dear _____:

_____ has met the reclassification criteria stated in 19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner’s Rules Concerning State Plan for Educating English learners Section §89.1225. Please sign and return this letter to approve the placement of _____ in the general education classroom. The student will be monitored for two years based on Texas Education Code §29.063 (c)(4).

Thank you,

District _____

I approve the reclassification and placement of _____ in the general education classroom.

Parent Signature

Date

*19 Title Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner’s Rules Concerning State Plan for Educating English learners, §89.1240 Parental Authority and Responsibility.

(b) The school district shall give written notification to the student’s parent or legal guardian of the student’s reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

**Documentation that the district has attempted to notify parents must be present.

For school use:

Date received by campus

Student met exit criteria

- Testing results verified by _____ (Name)
- Documentation added to student’s folder.

Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs from Bilingual Services (Fall Semester)

_____ Independent School District/Charter School

Prior to completing this form, see the document *Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs* found in the LPAC Framework Manual. Students eligible to be considered using the reclassification criteria under TAC §89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by the language proficiency assessment committee (LPAC), in conjunction with the admission, review and dismissal (ARD) committee.

Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies Using This Process

At or near the beginning of the school year a meeting to discuss whether the student is eligible to be reclassified using criteria under §TAC 89.1225(m).

(Student's Name) _____ was held on (Date of meeting to discuss reclassification criteria) _____.

Attendees:

LPAC Representative: _____

General Ed Representative: _____

Sp. Ed Representative: _____

Administrative Representative: _____

Other: _____

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used for reclassification.
- This process applies ONLY when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(i) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled Guidance Related to ARD Committee and LPAC Collaboration found at <http://tea.texas.gov/index2.aspx?id=2147496923>.
- This process must be conducted by key ARD committee members (including a diagnostician when applicable) and key LPAC members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

Step 2: Discuss Evidence of Need for Use of §89.1225(m) Reclassification Criteria

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(m) reclassification criteria are warranted.

- Does the student's particular disabling condition warrant the need for process for considering reclassification criteria? _____
- What evidence is documented in the IEP that indicates that the student will not be able to attain the English Language Proficiency Standards (as measured by TELPAS) in one or more domains? _____
- What evidence is documented to indicate that the student no longer appears to benefit (or is expected to reach that point during the year) from second language acquisition support in English to address cognitive, linguistic, and affective needs? _____

¹ Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners

- Review historical formal and informal assessment data and direct teacher input. List the outcomes of that review. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(m) reclassification criteria are warranted. Direct teacher input should provide further insight into the student’s classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities. _____

Step 3: Specify Assessments and English Language Proficiency Test Standards

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make reclassification criteria recommendations based on the information below.

Caution should be exercised when considering reclassification of students in Grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student’s disability on long-term prospects for second language acquisition.

Academic Content Assessments of Reading and Writing in Grades 1-2

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(m).

Academic Content Assessments of Reading and Writing in Grades 3-12

- **Selection of appropriate academic content assessments**
Students considered for exit criteria under TAC §89.1225(m) should be only those designated to take STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.

Reminder: State-established standards must be used for all state assessments.

- **Modification of performance standards on academic content assessments not permitted**
STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted.
State-established standards must be used for all state assessments.

<i>Check the test the student is expected to take and master based on state assessment standards.</i>	
State Assessment Reading Expectation	<input type="checkbox"/> STAAR Alternate 2
State Assessment Writing Expectation	<input type="checkbox"/> STAAR Alternate 2

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**
Any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student’s disability and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).

- Selection of appropriate English language proficiency assessments
Discuss the TELPAS testing expectations for this student as they are outlined in the IEP.
- **Grade 1: Students in grade 1 will take the general TELPAS** in the applicable language domains as determined by the ARD committee in conjunction with the LPAC.

<i>Check one.</i>				
TELPAS Listening Expectation (TELPAS listening or other OLPT from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Speaking Expectation (TELPAS listening or other OLPT from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Reading Expectation (TELPAS reading or other English language reading proficiency test from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Writing Expectation (TELPAS writing or other English language writing proficiency test from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

- **Grades 2-12:** Students that are designated to take STAAR Alternate 2 and/or meet the TELPAS Alternate participation requirements, as determined by the LPAC in conjunction with the ARD committee, will be assessed with TELPAS Alternate in all of the four language domains (listening, speaking, reading, and writing).

Step 4: Prepare Documentation

Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

<i>Documentation attached</i>		
<input type="checkbox"/> Teacher checklist	<input type="checkbox"/> Student work	<input type="checkbox"/> Observation protocol
<input type="checkbox"/> Informal assessments	<input type="checkbox"/> State assessment test results	<input type="checkbox"/> TELPAS test results
<input type="checkbox"/> Other: _____		

Step 5: Discuss Recommended Reclassification Criteria in Formal LPAC in Conjunction with ARD Committee Meeting

Key members of the LPAC and the ARD committee present the documentation at a formal LPAC in conjunction with ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student’s participation in the identified assessments.
- Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the modified reclassification criteria if the committee as a whole determines that reclassification is anticipated.

The documentation for recommended reclassification criteria was presented at a formal LPAC in conjunction ARD meeting for (*Student’s name*) _____ on (*Date of ARD meeting*) _____.

Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs from Bilingual Services (Spring Semester)

_____ Independent School District/Charter School

Step 6: Determine and Document Whether Student Has Met Modified Reclassification Criteria

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(i) to determine whether the student has met the modified reclassification criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional LPAC in conjunction with ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for reclassified students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the reclassification decision in the student's permanent record file.

Student's name: _____				
End-of-year ARD meeting date: _____				
The assessment results reviewed at the LPAC in conjunction ARD were:				
State Assessment Reading			<input type="checkbox"/> STAAR Alternate 2	
State Assessment Writing			<input type="checkbox"/> STAAR Alternate 2	
	Results			
TELPAS Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Summarize subjective teacher evaluation and attach documentation.				

End-of-year LPAC date: _____
A decision was made to exit _____ from the Bilingual and/or ESL program based on the comprehensive review of the LPAC and the ARD Committee.
_____ will be reclassified as English proficient and will be monitored for two school years.

- Attach a copy of the documentation to the LPAC minutes, attendees and signatures.
- Notify parents of student's reclassification.
- Document on the student's permanent record folder.

Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs from ESL Services (Fall Semester) _____ Independent School District/Charter School

Prior to completing this form, see the document Process for Considering Reclassification of English Learners who also have Identified Special Needs found in the LPAC Framework Manual. Students eligible to be considered using the reclassification criteria under TAC §89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by the language proficiency assessment committee (LPAC), in conjunction with the admission, review and dismissal (ARD) committee.

Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies Using This Process

At or near the beginning of the school year a meeting to discuss whether the student is eligible to be reclassified using criteria under §TAC 89.1225(m).

(Student's Name) _____ was held on (Date of meeting to discuss exit criteria) _____.

Attendees:

LPAC Representative: _____

General Ed Representative: _____

Sp. Ed Representative: _____

Administrative Representative: _____

Other: _____

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used for reclassification.
- This process applies ONLY when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(i) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled Guidance Related to ARD Committee and LPAC Collaboration found at <http://tea.texas.gov/index2.aspx?id=2147496923>.
- This process must be conducted by key ARD committee members (including a diagnostician when applicable) and key LPAC members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

Step 2: Discuss Evidence of Need for Use of §89.1225(m) Reclassification Criteria

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(m) reclassification criteria are warranted.

- Does the student's particular disabling condition warrant the need for process for considering reclassification criteria? _____
- What evidence is documented in the IEP that indicates that the student will not be able to attain the English Language Proficiency Standards (as measured by TELPAS) in one or more domains? _____
- What evidence is documented to indicate that the student no longer appears to benefit (or is expected to reach that point during the year) from second language acquisition support in English to address cognitive, linguistic, and affective needs? _____

¹ Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners

- Review historical formal and informal assessment data and direct teacher input. List the outcomes of that review. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(m) reclassification criteria are warranted. Direct teacher input should provide further insight into the student’s classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities. _____

Step 3: Specify Assessments and English Language Proficiency Test Standards

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make reclassification criteria recommendations based on the information below.

Caution should be exercised when considering reclassification of students in Grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student’s disability on long-term prospects for second language acquisition.

Academic Content Assessments of Reading and Writing in Grades 1-2

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(m).

Academic Content Assessments of Reading and Writing in Grades 3-12

- **Selection of appropriate academic content assessments**
Students considered for exit criteria under TAC §89.1225(m) should be only those designated to take STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.
Reminder: State-established standards must be used for all state assessments.
- **Modification of performance standards on academic content assessments not permitted**
STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted.
State-established standards must be used for all state assessments.

<i>Check the test the student is expected to take and master based on state assessment standards.</i>	
State Assessment Reading Expectation	<input type="checkbox"/> STAAR Alternate 2
State Assessment Writing Expectation	<input type="checkbox"/> STAAR Alternate 2

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**
Any modified standards must be supported by historical data and evidence demonstrating the student is not expected to be able to attain English language proficiency because of factors directly related to the student’s disability and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).

- Selection of appropriate English language proficiency assessments
Discuss the TELPAS testing expectations for this student as they are outlined in the IEP.
- **Grade 1: Students in grade 1 will take the general** TELPAS in the applicable language domains as determined by the ARD committee in conjunction with the LPAC.

<i>Check one.</i>				
TELPAS Listening Expectation (TELPAS listening or other OLPT from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Speaking Expectation (TELPAS listening or other OLPT from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Reading Expectation (TELPAS reading or other English language reading proficiency test from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Writing Expectation (TELPAS writing or other English language writing proficiency test from state-approved list)	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH

- **Grades 2-12:** Students that are designated to take STAAR Alternate 2 and/or meet the TELPAS Alternate participation requirements, as determined by the LPAC in conjunction with the ARD committee, will be assessed with TELPAS Alternate in all of the four language domains (listening, speaking, reading, and writing).

Step 4: Prepare Documentation

Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

<i>Documentation attached</i>		
<input type="checkbox"/> Teacher checklist	<input type="checkbox"/> Student work	<input type="checkbox"/> Observation protocol
<input type="checkbox"/> Informal assessments	<input type="checkbox"/> State assessment test results	<input type="checkbox"/> TELPAS test results
<input type="checkbox"/> Other: _____		

Step 5: Discuss Recommended Reclassification Criteria in Formal LPAC in Conjunction with ARD Committee Meeting

Key members of the LPAC and the ARD committee present the documentation at a formal LPAC in conjunction with ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student’s participation in the identified assessments.
- Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the modified reclassification criteria if the committee as a whole determines that reclassification is anticipated.

The documentation for recommended reclassification criteria was presented at a formal LPAC in conjunction with ARD meeting for *(Student’s name)* _____ on *(Date of ARD meeting)* _____.

Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs from ESL Services (Spring Semester)

_____ Independent School District/Charter School

Step 6: Determine and Document Whether Student Has Met Modified Reclassification Criteria

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(i) to determine whether the student has met the modified reclassification criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional LPAC in conjunction with ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for reclassified students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the reclassification decision in the student's permanent record file.

Student's name: _____				
End-of-year ARD meeting date: _____				
The assessment results reviewed at the ARD were:				
State Assessment Reading			<input type="checkbox"/> STAAR Alternate 2	
State Assessment Writing			<input type="checkbox"/> STAAR Alternate 2	
	Results			
TELPAS Listening	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Speaking	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Reading	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
TELPAS Writing	<input type="checkbox"/> B	<input type="checkbox"/> I	<input type="checkbox"/> A	<input type="checkbox"/> AH
Summarize subjective teacher evaluation and attach documentation.				

End-of-year LPAC date: _____
A decision was made to exit _____ from the Bilingual and/or ESL program based on the comprehensive review of the LPAC and the ARD Committee.
_____ will be reclassified as English proficient and will be monitored for two school years.

- Attach a copy of the documentation to the LPAC minutes, attendees and signatures.
- Notify parents of student's reclassification.
- Document on the student's permanent record folder.

Student History

_____ Independent School District/Charter School

Home Language Survey date: _____																					
Student Name: _____										Date of birth: _____					Student ID#: _____						
School Year	Grade	OLPT	Norm Referenced	State Assessment					TELPAS					LPAC Recommendation					Parent Signature		Initial
				Rdg/ ELA	W	M	S	SS	L	S	R	W	CS	EL	EP	BIL	ESL	Gen Ed	Exit	Approval for Entry	

English Learner Cumulative Folder Documentation Checklist _____ Independent School District/Charter School

Student Name: _____	Date of Birth: _____
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Initial Documentation		
√	Form	Date
<input type="checkbox"/>	Home Language Survey	
<input type="checkbox"/>	TEA-Approved Oral Language Proficiency Test (OLPT) English	
<input type="checkbox"/>	TEA-Approved Oral Language Proficiency Test (OLPT) Spanish	
<input type="checkbox"/>	TEA-Approved Norm-Referenced Standardized Achievement Instrument	
<input type="checkbox"/>	LPAC Initial Placement/Recommendation	
<input type="checkbox"/>	Notification of Placement	
<input type="checkbox"/>	Parent Approval–Identification & Placement TEC 29.056 <i>(same date as program placement)</i>	
<input type="checkbox"/>	Parent Denial	

Annual Documentation								
Documentation	Date	Date	Date	Date	Date	Date	Date	Date
TEA-Approved Oral Language Proficiency Test (OLPT) English								
TEA-Approved Oral Language Proficiency Test (OLPT) Primary Language								
TEA-Approved Norm-Referenced Standardized Achievement Instrument								
State Assessment Results								
TELPAS Individual Student Profile								
Other (district policy)								
Parent Notification and Approval of Reclassification								
Parent Approval–Identification & Placement								

LPAC



LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

Framework Manual
Monitoring and
Evaluation



Monitoring and Evaluation



§89.1220. Language Proficiency Assessment Committee.

- (k) The language proficiency assessment committee shall monitor the academic progress of each student who has met criteria for exit in accordance with TEC, §29.056(g), for the first two years after reclassification. If the student earns a failing grade in a subject in the foundation curriculum under TEC, §28.002(a)(1), during any grading period in the first two school years after the student is reclassified, the language proficiency assessment committee shall determine, based on the student's second language acquisition needs, whether the student may require intensive instruction or should be reenrolled in a bilingual education or special language program. In accordance with TEC, §29.0561, the language proficiency assessment committee shall review the student's performance and consider:
- (1) the total amount of time the student was enrolled in a bilingual education or special language program;
 - (2) the student's grades each grading period in each subject in the foundation curriculum under TEC, §28.002(a)(1);
 - (3) the student's performance on each assessment instrument administered under TEC, §39.023(a) or (c);
 - (4) the number of credits the student has earned toward high school graduation, if applicable; and
 - (5) any disciplinary actions taken against the student under TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management).



§89.1265. Evaluation.

- (a) All school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation in accordance with Texas Education Code (TEC), §29.053, collecting a full range of data to determine program effectiveness to ensure student academic success. The annual evaluation report shall be presented to the board of trustees before November 1 of each year and the report shall be retained at the school district level in accordance with TEC, §29.062.
- (b) Annual school district reports of educational performance shall reflect:
- (1) the academic progress in the language(s) of instruction for English learners;
 - (2) the extent to which English learners are becoming proficient in English;
 - (3) the number of students who have been exited from the bilingual education and ESL programs; and
 - (4) the number of teachers and aides trained and the frequency, scope, and results of the professional development in approaches and strategies that support second language acquisition.
- (c) In addition, for those school districts that filed in the previous year and/or will be filing a bilingual education exception and/or ESL waiver in the current year, the annual district report of educational performance shall also reflect:
- (1) the number of teachers for whom an exception or waiver was/is being filed;

- (2) the number of teachers for whom an exception or waiver was filed in the previous year who successfully obtained certification; and
 - (3) the frequency and scope of a comprehensive professional development plan, implemented as required under §89.1207 of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers), and results of such plan if an exception and/or waiver was filed in the previous school year.
-

LPAC Review _____ Independent School District/Charter School

<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	<input type="checkbox"/> Assessment determination	<input type="checkbox"/> Other: _____
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Student name: _____	Enrollment date: _____
Grade: _____	LPAC date: _____
Academic year: _____	Home Language Survey date: _____ Date received by district/charter school: _____

Identification	
TEA-Approved Test: Oral: _____ Written: _____	Primary language score: _____
TEA-Approved Norm-Referenced Instrument: Reading percentile: _____	Language Arts percentile: _____

Academic Progress										
State Assessment					TELPAS					
Assessment	Type	Date	Circle One		Score	Listening	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Reading			Pass	Fail		Speaking	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Writing			Pass	Fail		Reading	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
ELA			Pass	Fail		Writing	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Science			Pass	Fail		Composite Score	<input type="checkbox"/> Beg.	<input type="checkbox"/> Int.	<input type="checkbox"/> Adv.	<input type="checkbox"/> Adv. High
Social Studies			Pass	Fail		Oral Language Proficiency Level (end-of-year): _____				
Math			Pass	Fail						
Other Assessments					Instructional Linguistic Accommodations: _____ Assessment Designated Supports: _____ Other (specify): _____ Notes: _____					
Reading Instrument Name: _____ Score: _____										
TEA-Approved Norm-Referenced Instrument: Date: _____ Reading Percentile: _____ Language Arts Percentile: _____										

Level of Academic Achievement	
Subject	End-of-Year Grade
English/Language Arts	
Math	
Science	
Social Studies	
Other content areas	

LPAC Signatures
Bilingual or ESL Educator: _____
Campus Administrator: _____
Parent Representative: _____
ARD Committee Representative (if needed): _____
Other (specify title): _____

LPAC Recommendations
<input type="checkbox"/> English Learner <i>Parent permission date: _____</i> <i>Parent denial date: _____</i>
<input type="checkbox"/> English Proficient
<input type="checkbox"/> Enter/Continue Bilingual Program <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Enter/Continue ESL Program <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> State Assessment Determination <i>(see attached documentation)</i>
<input type="checkbox"/> Served in Special Program(s) <i>(specify): _____</i> <input type="checkbox"/> 1 st Year-F <input type="checkbox"/> 2 nd Year-S <input type="checkbox"/> 3 rd Year-3
<input type="checkbox"/> Re-enter program as a result of monitoring <input type="checkbox"/> Reclassification Bilingual or ESL program (met criteria) <input type="checkbox"/> Other: _____

Monitored Student Roster Form

LEP Indicator Coding for PEIMS Reporting

This information needs to be communicated to PEIMs by the LPAC on the code changes of students who are required to be monitored for four years after they are no longer classified as LEP who have achieved English language proficiency.

Date: _____
Independent School District/Charter School: _____
Campus: _____

LEP Indicator Codes

0	Not LEP
1	Identified as limited English proficient (LEP)
F	Student exited from LEP status—Monitored 1 (M1)—student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her first year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP
S	Student exited from LEP status—Monitored 2 (M2)—student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her second year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP
3	Student exited from LEP status—Monitored 3 (M3)—student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her third year of monitoring as required by ESEA Section 3121(a)(5) that LEAs report on the number and percentage of ELs meeting the challenging State academic standards for four years after such students are no longer receiving Title III services
4	Student exited from LEP status—Monitored 4 (M4)—student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her fourth year of monitoring as required by ESEA Section 3121(a)(5) that LEAs report on the number and percentage of ELs meeting the challenging State academic standards for four years after such students are no longer receiving Title III services

Student Names	ID Number	2017-2018 School Year	2018-2019 School Year	2019-2020 School Year	2020-2021 School Year	2021-2022 School Year
(ex.) Angel Hernandez	000123	1	F	S	3	4

LPAC Monitoring of Reclassified Students in Bilingual Program

_____ Independent School District/Charter School

To Be Used in Conjunction with Annual End-of-Year Review Form

<input type="checkbox"/> 1 st Year Monitored (F)	<input type="checkbox"/> 2 nd Year Monitored (S)
-------------------------------------------------------------	-------------------------------------------------------------

Student name: _____	Enrollment date: _____
Reclassification date: _____	Grade: _____
Total years in bilingual program (if served): _____	Academic year: _____
Served in special program(s): _____	Grading period: _____

Academic Progress					
State Assessment					Other (specify): _____
Assessment	Type	Date	Circle One	Score	
Reading			Pass Fail		
Writing			Pass Fail		
ELA			Pass Fail		
Science			Pass Fail		
Social Studies			Pass Fail		
Math			Pass Fail		
					Credits earned towards graduation (9-12): _____
					Disciplinary actions taken against the student: _____

Level of Academic Achievement							
Foundation Subject	1 st Grading	2 nd Grading	3 rd Grading	4 th Grading	5 th Grading	6 th Grading	Semester Average
English/LA							
Math							
Science							
Social Studies							
Other Content Areas							

LPAC Evaluation
<input type="checkbox"/> Re-enroll/re-enter Bilingual program as a result of monitoring <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Re-enroll/re-enter ESL program as a result of monitoring <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> English Learner <input type="checkbox"/> <i>Parent Permission Date for Re-entry: _____</i> <input type="checkbox"/> <i>Parent Denial Date for Re-entry: _____</i>
<input type="checkbox"/> Require intensive instructional interventions: <i>(specify) _____</i> Notes: _____

LPAC Signatures
Bilingual Educator: _____
Campus Administrator: _____
Parent Representative: _____
ARD Committee Representative (if needed): _____
Other (specify title): _____

LPAC Monitoring of Reclassified Students in ESL Program

_____ Independent School District/Charter School

To Be Used in Conjunction with Annual End-of-Year Review Form

<input type="checkbox"/> 1 st Year Monitored (F)	<input type="checkbox"/> 2 nd Year Monitored (S)
-------------------------------------------------------------	-------------------------------------------------------------

Student name: _____	Enrollment date: _____
Reclassification date: _____	Grade: _____
Total years in ESL program (if served): _____	Academic year: _____
Served in special program(s): _____	Grading period: _____

Academic Progress					
State Assessment					Other (specify): _____
Assessment	Type	Date	Circle One	Score	
Reading			Pass Fail		Credits earned towards graduation (9-12): _____
Writing			Pass Fail		
ELA			Pass Fail		
Science			Pass Fail		Disciplinary actions taken against the student: _____
Social Studies			Pass Fail		
Math			Pass Fail		

Level of Academic Achievement							
Foundation Subject	1 st Grading	2 nd Grading	3 rd Grading	4 th Grading	5 th Grading	6 th Grading	Semester Average
English/LA							
Math							
Science							
Social Studies							
Other Content Areas							

LPAC Evaluation
<input type="checkbox"/> Re-enroll/re-enter Bilingual program as a result of monitoring <input type="checkbox"/> <i>Transitional bilingual/early exit</i> <input type="checkbox"/> <i>Transitional bilingual/late exit</i> <input type="checkbox"/> <i>Dual language immersion/two-way</i> <input type="checkbox"/> <i>Dual language immersion/one-way</i>
<input type="checkbox"/> Re-enroll/re-enter ESL program as a result of monitoring <input type="checkbox"/> <i>English as a second language/content-based</i> <input type="checkbox"/> <i>English as a second language/pull-out</i>
<input type="checkbox"/> English Learner <input type="checkbox"/> <i>Parent Permission Date for Re-entry: _____</i> <input type="checkbox"/> <i>Parent Denial Date for Re-entry: _____</i>
<input type="checkbox"/> Require intensive instructional interventions: <i>(specify) _____</i> <i>Notes: _____</i>

LPAC Signatures
ESL Educator: _____
Campus Administrator: _____
Parent Representative: _____
ARD Committee Representative (if needed): _____
Other (specify title): _____