

Van Vleck
Independent School
District
ESL Program Handbook
2020-2021



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INTRODUCTION

School districts in Texas, including Charters and Districts of Innovation, are responsible for ensuring compliance with Texas Education Code (TEC) [§29.051-29.064](#) - Bilingual Education and ESL Programs, and Texas Administrative Code, [Chapter 89 \(PDF\)](#). Adaptations for Special Populations, Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners.

This includes following the standardized, statewide process for identifying, serving, and reclassifying/exiting English learners, and for monitoring their English language acquisition and academic progress. In addition, Texas school districts must also ensure equitable access of English learners to other program services, including special education services and services for gifted and talented students.

DEFINITIONS

Student of Limited English Proficiency is defined by the Texas Education Code §29.052 as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

English as a Second Language (ESL) is defined by the Texas Education Code §29.052 as a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences.

GOALS

-  Meet the needs of students whose primary language is other than English and facilitate their integration into the regular school curriculum
-  All LEP students in the ESL programs will exit/mainstream into general education classes within five (5) years or less of program entry
-  Ensure that LEP students progress by one proficiency level per year in the language domains of reading, writing, speaking, and listening
-  Collaborate regularly with content area teachers regarding consistent implementation of the ELPS based on individual student language proficiency levels
-  Maintain accurate LPAC documentation within district and state mandated timelines

 Communicate with teachers, administration, and parents regarding ESL instruction, assessment, and compliance.

PROGRAM GUIDELINES

The Van Vleck ISD ESL program is designed to assist students who have limited English proficiency transition gradually from speaking their home language only to the point that they are proficient in English. The required ESL program shall be provided to every LEP student with parent approval until such time that the student meets exit criteria. The LEP student shall be an integral part of the regular education program. The ESL program is based on the Texas Essential Knowledge and Skills and utilizes instructional approaches designed to meet the special needs of LEP students. These programs shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds. The program shall address the affective, linguistic, and cognitive needs of LEP students. In subjects such as art, music, and physical education, LEP students shall participate fully with English-speaking students in regular classes provided in the subjects. Students enrolled in the ESL program shall also have a meaningful opportunity to participate fully with other students in all extracurricular activities. The district shall offer a voluntary summer school program for LEP children who will be eligible for kindergarten or first grade at the beginning of the next school year. The program schedule will be established by the Board to meet the requirements of the Texas Education Agency. This will be an intensive language program, which meets standards set by TEA.

PROGRAM DESCRIPTOR

Van Vleck ISD ESL students are served through the ESL Content-Based model and are instructed by teachers who have received training and have obtained their ESL certificate. The program integrates ESL instruction with subject matter instruction that focuses not only on learning a second language, but using that language as a medium to learn math, science, social studies, and/or other academic subjects, while encouraging ESL students to use their native language as well.

STUDENT IDENTIFICATION

Home Language Survey When students register in the district, the parents or guardians complete a Home Language Survey (HLS). The survey shall be conducted only once, and the original copy of the survey shall be kept in the student's permanent record. If an earlier home language survey is received from a student's prior district, this will replace

the one conducted by our district as the original in the permanent folder. The home language survey shall be used to establish the student's language classification for determining whether the district is required to provide ESL services. If the response on the home language survey indicates that a language other than English is used, the student shall be assessed for program eligibility. If a language other than English is indicated on students' HLS, the students are administered an oral language proficiency test (OLPT) in grades PreK-12 and a normed referenced test in grades 2-12. This identification and placement process is in accordance with the Texas Education Agency 19 TAC Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating LEP Students.

FEDERAL, SPECIAL, AND OTHER PROGRAMS & SERVICES

- LEP students are eligible for services under section 504 of the Rehabilitation Act of 1973.
- LEP students are eligible for At Risk services under Senate Bill 702.
- LEP students are eligible to receive other services and entrance into programs, such as special education, gifted and talented, compensatory education, and vocational education. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, religion, creed, or national origin.

PLACEMENT OF STUDENTS

Within the first four weeks after enrollment, a student will be identified, assessed, and placed in ESL program. The student's parent must approve a student's entry into the program and exit from the program. The student must be placed in the ESL program as soon as the student is identified as LEP and the Language Proficiency Assessment Committee (LPAC) has recommended such placement. The district shall place the student in the program on the date the LPAC recommends that services begin but will not count the student for special language funding until parental approval is received through the return of signed documentation from the parent. Note: The admission, review and dismissal (ARD) committee in conjunction with the LPAC committee shall determine appropriate placement for identified LEP students. The district shall establish placement procedures that ensure that placement in ESL program is not refused solely because the student has a disability.

PARENTAL AUTHORITY & NOTIFICATION

Parent means the parent(s) or legal guardian of the student. The LPAC shall give written notice to parents advising that a student has been classified as LEP and requesting approval to place the student in the ESL program. The notice shall be in English and the primary language and it shall include information about the benefits of

the program for which the student is recommended and that it is an integral part of the school program. The entry or placement of a student in the ESL program must be approved in writing by the student's parent. Pending parent approval, the district shall place the student in the ESL program. Approval shall be considered valid for the student's continued participation in the program until the student meets the established exit criteria, graduates from high school, or the parent requests a change in program placement. The district shall notify the student's parent of the student's reclassification as English proficient and his or her exit from the ESL program and shall acquire written parent approval.

TEC 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.

<https://www.txel.org/specialprograms/?tab=tab1>

TEC 89.1201 – Adaptations for Special Populations

(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.

https://tea.texas.gov/sites/default/files/89bb-two_0718.pdf

State Curriculum Requirements TAC 74.4 English Proficiency Standards

The English Language Proficiency Standards (ELPS), as required by 19 Texas Administrative Code, Chapter 74, Subchapter A, §74.4, outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts are required to implement ELPS as an integral part of each subject in the required curriculum. All teachers are required to complete ELPS Academy training.

[Chapter 74. Curriculum Requirements](#)

<https://www.txel.org/elps/>

Van Vleck ISD Board Policy – ESL

See attached Legal EHBE Exhibit “A” herein – Special Programs Bilingual Education/ESL

See attached Legal EKBA Exhibit “B” herein – State Assessment English Language Learners/LEP Students

<https://pol.tasb.org/Policy/Search/853?filter=ESL>

Curriculum & Instruction

Van Vleck ISD ESL students are served through the ESL Content-Based model and are instructed by a teacher who has received training and has obtained the ESL certificate. The program integrates ESL instruction with subject matter instruction that focuses not only on learning a second language, but using that language as a medium to learn math, science, social studies, and/or other academic subjects.

Van Vleck ISD’s primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. Van Vleck ISD fosters the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. Education Code 28.002(h) As a condition of accreditation, Van Vleck ISD provides instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. Education Code 28.002(c); 19 TAC 74.1(b) Van Vleck ISD ensures that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Education Code 28.002(g) Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. 19 TAC 74.2

[https://pol.tasb.org/Policy/Download/853?filename=EHAA\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/853?filename=EHAA(LEGAL).pdf)

The district uses 100% TEKS based curriculum and supplemental programs as well as progress monitoring programs that ensure the success of all students.

ESL and Language Proficiency & Assessment Committee

The district shall by local board policy establish and operate a Language Proficiency Assessment Committee on each campus.

District & Campus Administration Contact Information:

Van Vleck ISD
142 South 4th Street
Van Vleck, Texas 77482
(979) 245-8518

Name	Role	Email	Campus
Blackmon, Robert	Principal	rblackmon@vvisd.org	VVJH
Buckalew, Rome	Counselor	rbuckalew@vvisd.org	VVHS
Button, Kari	Counselor	kbutton@vvisd.org	VVE
Dement, Christie	Assistant Superintendent	cdement@vvisd.org	VVISED
Hood, Brandon	Principal	bhood@vvisd.org	VVJH
Pena, Victor	Principal	vpena@vvisd.org	VVE
Steiner, Matt	Principal	msteiner@vvisd.org	VVHS
Townsend, Chris	Principal	ctownsend@vvisd.org	VVHS
Ward, Stephanie	Federal Programs Coordinator	sward@vvisd.org	VVISED
Weathers, Michelle	Counselor	mweathers@vvisd.org	VVJH

LPAC Members Roles

All members of the LPAC, including parents shall act for the school district and shall observe all laws and rules concerning confidentiality of information for individual students. LPAC committees shall include a professional employee (VVISED ESL Teacher), a parent of a LEP student who is not an employee of the district, and a campus administrator. The parent of each ESL student in VVISED shall be extended an invitation to attend all meetings regarding ESL placement, review, and exit for their child.

ESL Coordinator: responsible for scheduling of LPAC, filling out LPAC forms, training LPAC members, facilitating parent involvement meetings, and leading the meetings

ESL Teacher: turning in student reports to coordinator, communicating with parents, teaching, monitoring progress, and assessing ESL students. Teachers may be reached by contacting each campus office and setting up a conference, messaging through class messenger program, and/or emailing the teacher directly.

Parent Representative: must be an active LEP parent and be trained in the LPAC procedures and confidentiality

Administration: a principal and/or assistant superintendent that is trained in LPAC procedures and oversees campus/district procedures

ARD Committee Representative: should attend when speaking about special exit/and or exemptions of special education students. Since the ESL teacher sits on the ARD committee, he/she can serve a dual role for the LPAC

Training of LPAC Members

The district shall provide orientation and training for current LPAC members. This orientation will include discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties committee members will be acting for the district and shall observe requirements regarding confidentiality of student records.

Duties of the LPAC

Within four weeks of the initial enrollment of any LEP student and at the end of each school year, the LPAC shall:

- (1) Review all 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) Make recommendations for exiting students from the ESL program when program criteria have been met.
- (5) Monitor the progress of students formerly classified as LEP who have transferred out of the special language program and, based on the information, designate the most appropriate placement for such students; and
- (6) Determine the appropriateness of a program that extends beyond the regular school year.

Test Participation Decisions STAAR & TELPAS

STAAR

The STAAR program encompasses STAAR, STAAR Spanish, and STAAR Alternate 2. The STAAR program for grades 3–8 includes assessments of mathematics, reading, writing, science, and social studies. STAAR end-of-course (EOC) assessments are available for Algebra I, Algebra II, English I, English II, English III, Biology, and U.S. History. LPACs must make and document test participation decisions in accordance with STAAR program requirements. All ELs (with few exceptions) are required to participate in one of the following academic assessments. For more information on exemptions for student participation in the STAAR program, refer to the Other Assessment Decisions section.

STAAR – Grades 3-8 and EOCs

- General statewide assessment
- Designated supports available for students who meet eligibility found at the [TEA Accommodations Resources webpage](#)
- Taken by ELs not eligible for an assessment listed below

STAAR Spanish – Grades 3-5

- Available for students in grades 3–5 for whom a Spanish version of STAAR most appropriately measures their academic progress
- Designated supports available for students who meet eligibility found at the [TEA Accommodations Resources webpage](#)
- Not permitted for an EL whose parent or guardian has declined bilingual/ESL program services

STAAR Alternate 2 – Grades 3-8 and EOCs

- Available for students receiving special education services, including those who are ELs, who meet requirements for an alternate assessment based on alternate achievement standards
- Participation requirements and information regarding available accommodations can be found the [STAAR Alternate 2 Resources webpage](#).

In the case of an EL who receives special education services, the LPAC is responsible for working in conjunction with the student’s admission, review, and dismissal (ARD) committee to make and document assessment participation decisions. The decision may be made by key members of each committee if necessary.

In making STAAR assessment decisions, LPACs should keep in mind that STAAR Spanish, in addition to being appropriate for students in bilingual programs who are receiving most of their academic instruction in Spanish, may sometimes be appropriate for an EL in an English as a second language (ESL) program. Examples:

- a Spanish speaker who has recently moved to the U.S.
- an EL who recently moved from a campus with a Spanish bilingual education program to a campus with only an ESL program
- a student in an ESL program who receives substantial academic support in Spanish It is recommended that LPACs make final assessment decisions as close as possible to the time of the test administration to take into account the student's progress in learning English.

TELPAS

All ELs are required to be assessed annually with one of the ELP assessments until they meet bilingual/ESL program reclassification criteria and are reclassified as non-LEP/English proficient. This requirement includes ELs classified as limited English proficient (LEP/EL) in PEIMS whose parents have declined bilingual/ESL program services (PEIMS code C).

The TELPAS program encompasses the general TELPAS and TELPAS Alternate. Both programs assess the English language proficiency of English learners in four language domains: listening, speaking, reading, and writing. LPACs are responsible for making and documenting participation decisions. In the case of an EL who receives special education services, the LPAC is responsible for working in conjunction with the student's ARD committee to make and document assessment participation decisions.

For ELs in kindergarten through grade 2 who do not have ARD or Section 504 committees, the LPAC is not required to meet to determine participation decisions regarding unmodified English language proficiency assessments.

See the Texas Education Agency's 2020-2021 [LPAC Decisions Educator Guide for more information regarding STAAR & TELPAS requirements and supports](#).

PARENT AND COMMUNITY INVOLVEMENT

Van Vleck ISD embraces the belief that the educational process is successful only if parents are included as partners in the education of their children. Parents will receive information related to program objectives and activities, newsletters, cultural events, and parent involvement meetings. VVISD shall make every effort to ensure that bilingual personnel are available on each school campus to provide translations for meetings and

documents to be sent home. It is the policy of Van Vleck ISD to involve the parents in all decisions regarding their child. Parents of students in the ESL program are invited to be a part of the Language Proficiency Assessment Committee (LPAC) for the identification, review, and exit of their children. Parents and community members are invited to be a part of the district and campus site based decision committees. Our parental involvement program and activities aim to do the following:

- 1) Assist families with parenting and childrearing skills, and creating home conditions to support learning.
- 2) Communicate with families about school programs and student progress with two-way communications.
- 3) Provide parental education that includes family literacy and understanding school community.
- 4) Promote parental advocacy that informs and teaches parents how to advocate for their children.
- 5) Involve families as volunteers and audiences.
- 6) Involve families with their children in learning activities at home, including homework and other curricular-linked activities.
- 7) Encourage college attendance.

ADDITIONAL INFORMATION

For further information for programs offered at Van Vleck ISD, please contact:

ESL, 504 Dyslexia, & GT:

Stephanie Ward, Federal Programs Coordinator sward@vvisd.org (979) 323-5050

All Federal & Special Programs:

Christie Dement, Assistant Superintendent for Curriculum & Federal Programs
cdement@vvisd.org (979) 323-5007

Glossary

Additive Bilingualism: Developing a learner's proficiency in a second language with no pressure to replace or reduce the importance of the first language.

Affective Filter: A filter governing how much input is received by the learner. This filter is typically high when the learner is experiencing stress and anxiety. The lower the filter, the more open a student will be to acquiring a new language.

Basic Interpersonal Communication Skills (BICS): Aspects of language proficiency associated with face-to-face interaction and conversational fluency. This proficiency typically develops in 1-3 years.

Codeswitching: A feature of bilingual speech in which the speaker changes from one language to the other. Codeswitching can occur between or within clauses or sentences and may comprise a single phrase, a sentence or longer stretches of discourse. Codeswitching is a common and normal feature for bilingual learners.

Cognitive Academic Language Proficiency (CALP): Aspects of language associated with literacy and academic achievement. This includes the language proficiency required to express higher order thinking skills. This proficiency typically develops in 5-7 years or longer.

Comprehensible Input: A term introduced by Stephen Krashen to refer to language which a learner can understand. The language may be comprehensible in part because of clues, such as gestures, situations, or prior information.

Content-based Instruction: A language program in which lessons are organized around topics, themes, and/or subject-matter rather than specific language points.

English as a Second Language (ESL): This refers to the learning of English in a setting where English is the principal language.

ESL Teacher: Instructs English language learners in sheltered content area classes and/or co-teaches in the general education classroom. Instruction is primarily in English.

English Language Learner (ELL): Refers to the learner who is in the process of acquiring and learning English. **First Language (native language, primary language, L1):** The language first learned by the learner. Many children learn more than one language from birth and may be said to have more than one first language.

Input: The language which the learner is exposed to (either written or spoken) in the environment.

Interlanguage: The learner's developing second language knowledge. It may have some characteristics of the learner's first and/or second language and some characteristics

which seem to be very general to languages. Interlanguages are systematic, but they are also dynamic, continually evolving as learners receive more input and revise their understandings of the second language.

Language Acquisition: This term is similar to language learning. However, some researchers, including Stephen Krashen, contrast learning to acquisition, which represents the 'unconscious' learning that takes place when attention is focused on meaning rather than language form.

Limited English Proficient (LEP): This is a dated term used to describe English Language Learners. It is still used in legal, federal and state documents. The preferred term is English language learners (ELL).

Metalinguistic Awareness: The ability to treat language as an object, for example, being able to define a word, or to say what sounds make up that word.

Second Language: Any language other than the first language learned, often referred to as L2.

Sheltered Instruction: This is an approach to teaching that extends the time students have for receiving English language support while they learn content subjects. Subject matter instruction is provided in modified English so that it is accessible to the student's English proficiency level.

Silent Period: Some L2 learners, especially children, undergo a lengthy period during which they do not try to speak, although they are receiving language, constructing understandings and may even be engaging in speaking to themselves in the L2.

Transfer: Learner's use of patterns of the first language in the second language sentences. Also called 'interference.'

Zone of Proximal Development (ZPD): The level of performance which a learner is capable of when there is support from interaction with an adult or other advanced learner.

Limited English Proficient Training Flowchart

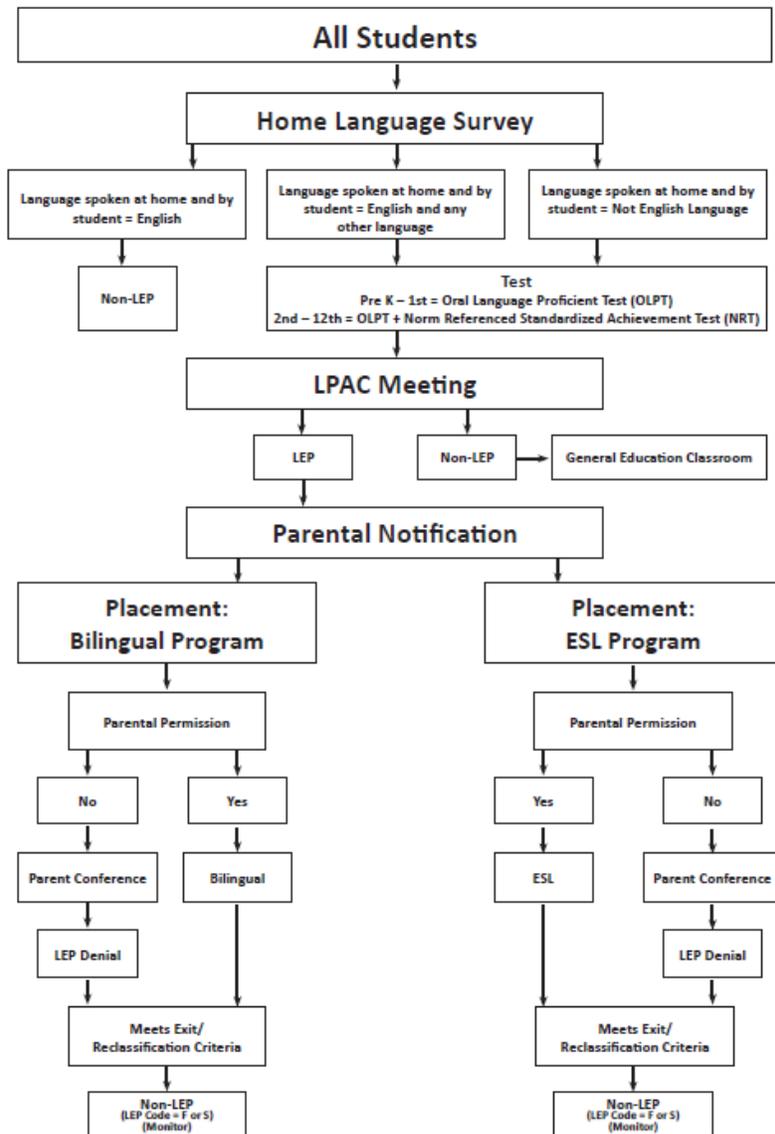
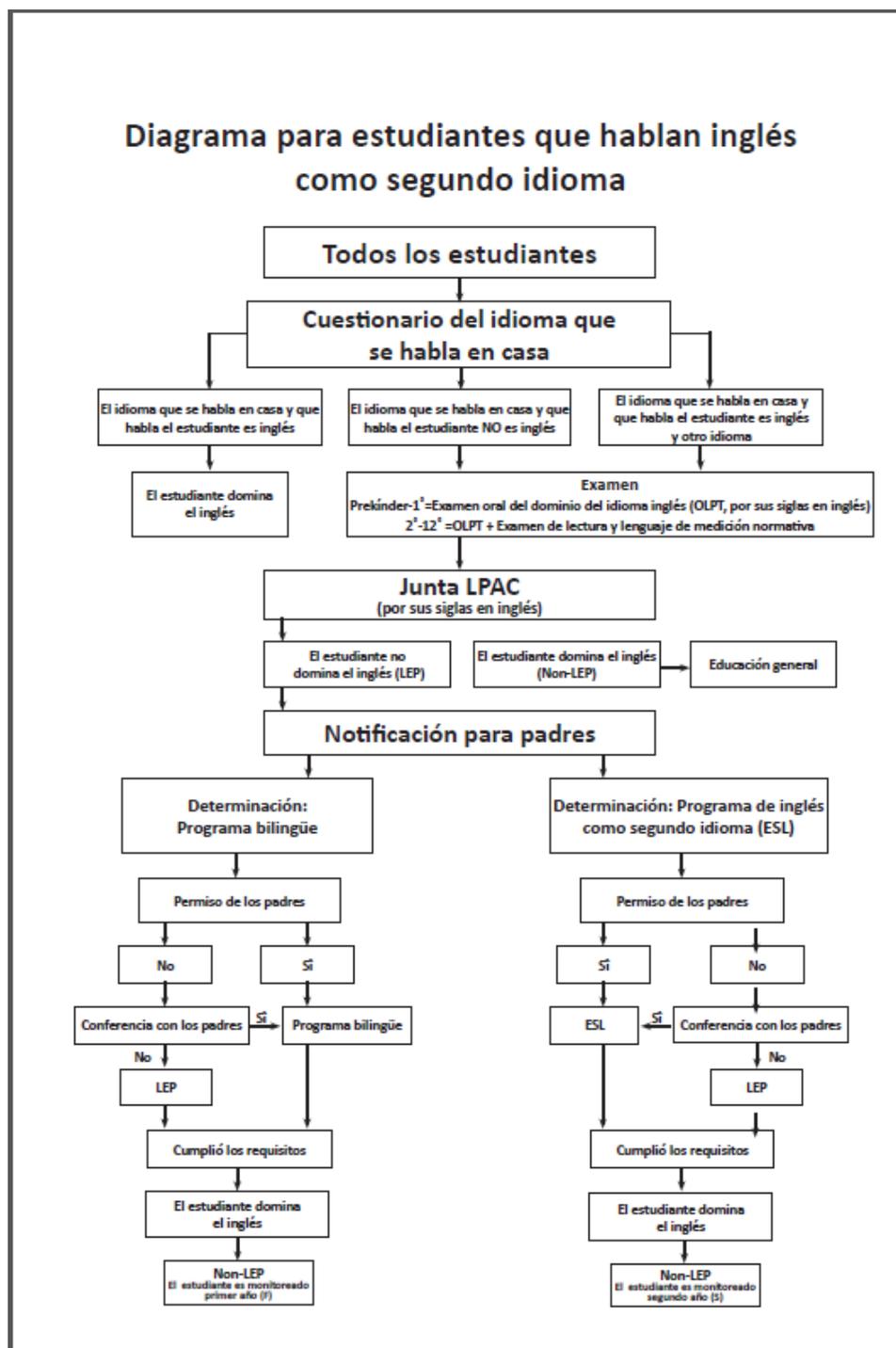


Diagrama para estudiantes que hablan inglés como segundo idioma



Resources

TEA “Supporting English Learners In Texas”

<https://www.txel.org/parents-and-families/>

LPAC Framework Manual

<https://www.txel.org/media/fmsjq4ac/lpac-framework-manual.pdf>

Region 3 ESC ESL Resource Page

<https://www.esc3.net/Page/1247>

US Department of Education English Learner Toolkit

https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELsToolkit_508C.pdf

Addendum "A"

SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

EHBE
(LEGAL)

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Note: The terms English language learner (ELL) and English learner are used interchangeably and are synonymous with the limited English proficiency (LEP) student as used in Education Code Chapter 29. *19 TAC 89.1203*

Title III Requirements A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801–7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

Definitions “Certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

“Dual language immersion” means a state-approved bilingual program model in accordance with Education Code 29.066.

“English learner (EL)” is a student who is in the process of acquiring English and has another language as the primary or home language.

“Exit” refers to the point when a student is no longer classified as LEP/EL (i.e., the student is reclassified), no longer requires bilingual or ESL program services, and is classified as non-LEP/English proficient (EP) in the Texas Student Data System Public Education Information Management System. The term “exit” is synonymous with the description in Education Code, Chapter 29, of “transferring out” of bilingual or special language programming.

“Parent” includes the parent or legal guardian of the student in accordance with Education Code 29.052.

Education Code 29.052; 19 TAC 89.1203(2)–(3), (7)–(8), (13)

**District
Responsibility**

Each 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;

3. Seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 29 to ensure accountability for English learners and the schools that serve them.

19 TAC 89.1201(a)

Identification of LEP Students

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

Language Proficiency Assessment Committees (LPAC)

Each district that is required to offer bilingual and special language programs shall, by local board policy, establish an LPAC. A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learners. A district shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

Membership of LPAC

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual education program);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of an English learner participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other trained members to the committee.

No parent serving on the LPAC shall be an employee of the school district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

<i>Duties</i>	<p>The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.</p>
Home Language Survey	<p>A district 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. The district shall require that the survey be signed by the student’s parent for each student in prekindergarten through grade 8, or by the student in grades 9 through 12.</p> <p>It is the district's responsibility to ensure that the student's parent understands the language used in the survey and its implications. The original copy of the survey shall be kept in the student’s permanent record.</p> <p>The home language survey shall be provided in English, Spanish, and Vietnamese. For students of other language groups, the home language survey shall be translated into the primary language whenever possible.</p> <p>The home language survey shall elicit one language answer to each of the following questions:</p> <ol style="list-style-type: none">1. “What language is used in the child’s home most of the time?”2. “What language does the child use most of the time?” <p>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 19 Administrative Code 89.1226 (Testing and Classification of Students).</p> <p><i>19 TAC 89.1215(a)–(c), .1226</i></p>
LEP Classification	<p>The LPAC may classify a student as LEP if:</p> <ol style="list-style-type: none">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 TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;3. The student’s primary language proficiency score as measured by a TEA-approved test is greater than the student’s proficiency in English; or4. The LPAC 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.

Education Code 29.056(c)

Parental Notice and
Consent

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or ESL program. The district shall comply with the parent notification requirements described by 19 Administrative Code 89.1240(a).

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent in order to have the student included in the bilingual education allotment. The parent'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 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement.

19 TAC 89.1240(a); Education Code 29.056(a)

Pending parental approval of an English learner's entry into a bilingual program recommended by the LPAC, a 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.

A district may place or exit a student in a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the 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.

19 TAC 89.1220(j), (m)

Participation of
Non-LEP Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating English proficient students shall not exceed 40 percent of the number of students enrolled in the program district-wide. *19 TAC 89.1233(c)*

Students with
Disabilities

Districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA. The district shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. LPAC members shall meet in conjunction with admission, review, and dismissal (ARD) committee members to review and provide recommendations about the education needs of each English learner who qualifies for services in the special education program. [See EHBAB] *19 TAC 89.1230*

**Bilingual and ESL
Programs**

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.

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.

Education Code 29.053(c)-(d); 19 TAC 89.1205

The district shall provide an ESL program to all English learners for whom a district is not required to offer a bilingual education program, 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 to provide a bilingual education program that is not required by law [see below]. *19 TAC 89.1205(c)*

A district is authorized to establish a bilingual education program even if the district has fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)–(g)*

Exceptions and
Waivers

A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an exception or waiver to the certification requirement on or before November 1. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer a bilingual education or ESL program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level.

A district's bilingual education program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the ESL program and the regular educational program.

19 TAC 89.1210

English learners shall participate with their English-speaking peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

*Bilingual
Education
Program Models*

The bilingual education program shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

19 TAC 89.1210(c)

ESL Program Models

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 Education Code 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 Education Code 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.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a dual language immersion program (DLIP) for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program 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.

19 TAC 89.1227(e)

Minimum Requirements

A DLIP shall:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language

proficiency standards, and college and career readiness standards.

2. Be a full-time program of academic instruction in English and another language.
3. Provide equitable resources in English and the additional program language whenever possible.
4. Provide a minimum of 50 percent of instructional time in the language other than English for the duration of the program.
5. Be developmentally appropriate and based on current best practices identified in research.

19 TAC 89.1227

*Two-Way DLIP
Enrollment*

Student enrollment in a two-way DLIP is optional for English proficient students. The program 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. A district must obtain written parental approval for English proficient students through a district-developed process.

A district implementing a two-way DLIP shall develop a policy on enrollment and continuation for students in the program. The policy must 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 19 Administrative Code 89.1210 (Program Content and Design); and
6. Expectations for students and parents.

19 TAC 89.1228(c)

*Two-Way DLIP
State
Assessment*

A district implementing a two-way DLIP shall determine the appropriate assessment option for program participants as follows:

1. For English learners, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each English learner in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).

2. For English proficient students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined through a district-developed process.

19 TAC 89.1228(e)

*School District
Recognition*

A district may recognize one or more of its schools that implement an exceptional DLIP if the school meets all of the following criteria:

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.
2. The school must receive an acceptable performance rating in the state accountability system.

The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.

*Student
Recognition*

A student participating in a DLIP or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

Bilingual education and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may concentrate the programs at a limited number of facilities within the district. Recent immigrant English learners shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among
Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident LEP student 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.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(I). Documentation in a student's permanent record shall be forwarded in the

same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. 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. *19 TAC 89.1215(d)*

Summer Program

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified 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.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)–(b-2)

Teachers assigned to ESL programs must be appropriately certified for ESL. *Education Code 29.061(c)*

A district that is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates may request the activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. A district that is unable to provide the required bilingual education program because of an insufficient number of appropriately certified teachers shall request from the commissioner an exception to the bilingual education program and the approval of an alternative language program. English learners with parental approval for program services under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)–(b), .1245(a); Education Code 29.054*

**LEP Students and
State Assessments**

In kindergarten–grade 12, a LEP student shall participate in the state assessment in accordance with commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer a LEP student 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. TEA-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 Education Code 39.023(a) or an English language arts assessment instrument under Education Code 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 TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Notice to Parents

A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*

Post-Exit Monitoring
and Reenrollment

The language proficiency assessment committee may reenroll the student in the program 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. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum 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.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
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 Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to conduct a bilingual education or ESL program shall conduct an evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year.

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

Each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for English learners. [See BQB]

19 TAC 89.1265

Addendum "B"

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

Note: The terms English language learner, English learner, and limited English proficient student are used interchangeably.

Language Proficiency Assessment Committee (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

“Inadequate schooling outside the United States” is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Tests

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

Limitations on Exemptions

First Year After Enrollment

A LEP student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of a LEP student. *Education Code 39.027(a)(1)*

Subsequent Years

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student’s initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student’s academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days

during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)

**Testing in Grades
3–8**

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version
Assessment

A Spanish-speaking English language learner in grades 3–5 may be administered the state’s Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student’s academic progress.

Linguistically
Accommodated
Assessments

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state’s mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see Definitions, above].

Exemption for
Asylee or Refugee

An unschooled asylee or refugee who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c)

Refusal of Services

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

**End-of-Course
Assessments**

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an un-schooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

Special Education

Selecting
Assessments

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, shall participate in the alternate English language profi-

ciency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Alternative
Assessment
Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

Testing
Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

**Grade Advancement
Requirements**

The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)* [See EIE]